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Current Topics.

The Prevention of Eviction Rules.

A GOOD DEAL of anxiety appears to have been felt whether the county courts would be able during the vacation to deal with applications under the Prevention of Eviction Act, 1924 (printed *ante*, p. 831) for rescinding or varying orders and judgments and for the stay of eviction proceedings. In an answer given by the Attorney-General in Parliament (*ante*, p. 869), it was pointed out that judges could sit for each other, and that registrars had certain powers of suspending orders and staying execution during the judge's absence, but that it might be necessary to extend these powers. It was intimated both in a letter from the Lord Chancellor's office to Mr. ALLAN B. LEMON, which we print elsewhere, and by the Attorney-General in the House of Commons on the 7th inst., in replying to Mr. HARcourt JOHNSTONE, who raised the question on the motion for the adjournment, that this extension has been decided on, and we print elsewhere the rule which has been made for the purpose. It extends r. 20 of the Restriction Rules, 1920, to applications under the new Act for rescission or varying of an order for possession, and where the judge is not sitting, the registrar can stay proceedings under the judgment or order until the judge is available. Rule 20 is as follows:—

An application to the court for stay, suspension, discharge, rescission or variation of orders or judgments under s. 5, s.s. (2) or (3), may be made on notice in writing in accordance with the County Court Rules as to interlocutory applications.

This, therefore, must be read as if the words "or under s. 2 (1) of the Prevention of Eviction Act, 1924," were inserted therein. As to interlocutory applications, see County Court Rules, Ord. 12, and Form 344. Some further new County Court Rules have been issued, to come into force on 1st October. These also we print elsewhere.

The Rhur Occupation.

IT APPEARS that the termination of the occupation of the Rhur is the question which is giving most difficulty in the final stages of the London Conference. It is unfortunate that at a time when so many questions are being referred to jurists, the legality of the French occupation, now some eighteen months

old, could not also have been so referred, subject to an agreement to abide by the result. The view taken by the Law Officers here a year ago, and also by others in this country—notably Sir JOHN SIMON—is that the occupation was not authorized by the Treaty of Versailles, and constituted, therefore, an invasion of German territory. The relevant article of the Treaty, Part VIII, "Reparation," Annex II, par. 18, is:—

The measures which the Allied and Associated Powers shall have the right to take, in case of voluntary default by Germany, and which Germany agrees not to regard as acts of war, may include economic and financial provisions and reprisals, and in general such other measures as the respective Governments may determine to be necessary in the circumstances.

It is obvious that the interpretation and application of this provision raises questions partly of law and partly of fact: of law, whether one Power can act alone, or whether any action under the stipulation must be joint; and whether "occupation of territory" is within the words "such other measures," or whether these must be restricted on the *ejusdem generis* rule to matters of an economic and financial nature; and of fact, whether there was a "voluntary default" on the part of Germany in the matter of reparation. Apparently these questions will never receive judicial solution, but as the next best way—we should rather say, the better way—Germany has been called into the Council Chamber that the matter may be settled by agreement. The history of the last six years is a sufficient commentary on the mistake made in not adopting this course in the first instance.

The Reappearance of Lord Darling.

WHEN LORD DARLING accepted a peerage and retired from active service on the Bench, it seemed for a moment as if he had undergone voluntarily a complete eclipse, and that a figure very prominent in the public eye had vanished altogether. Indeed, his first few speeches in the House of Lords, and the unfortunate fate which befell his Lunacy Reform Bill, rather suggested that this was so. Lord DARLING, however, has agreeably disappointed all these premonitions, and has shown that at seventy-five he is not too old to shine in a new career. He has not only returned to the King's Bench as an extra judge to try difficult special jury cases and to assist in the Divisional Court, but he has become an exceptionally active member of the Judicial Committee, and the task of reading the judgment—or "advice"—seems to fall to him. He has a graceful and pleasing manner of reading judgments which is very rare on the Bench, and perhaps that is why his services have been used so readily for this purpose. Most judges reading a long judgment rush through it at break-neck speed in a monotonous and inarticulate voice; even eloquent judges seem to lose their charm and their lucidity when they read instead of delivering judgment. But Lord DARLING reads slowly, emphatically, and clearly in beautifully modulated tones, with occasional glances and gestures which lend point and interest to whatever he reads. President QUINCEY ADAMS, when a Professor of Harvard University, according to his pupil JAMES RUSSELL LOWELL, always liked to find something good to say of his class in his farewell remarks to them. Once, unable truthfully to discover any other merits, he complimented a class on being the "best dressed" he had ever had. Lord DARLING has many merits which the legal historian will remember, but there is one compliment which he can be paid without any hesitation or doubt: he is probably the best reader of judicial manuscripts who ever delivered a reserved judgment.

The Form of the Anglo-Soviet Treaty.

THE PROVISIONAL signature by the Premier of the Anglo-Soviet treaty has created a unique precedent, since the treaty is signed, not on behalf of the King, nor yet of the United Kingdom, but in the name of the Government of "Great Britain and Northern Ireland." This at once raises the mixed issue of constitutional and international law, whether such a treaty is binding on the Dominions. It is clear, of course, that a treaty signed by the "King" is binding on the Dominions, since His Majesty reigns as such in each of His Dominions. It is nearly

certain that a treaty between the "United Kingdom" and a foreign power binds the whole Empire, since the "United Kingdom" is in the eyes of international jurists a Sovereign State of which the Dominions are dependencies. But "Great Britain and Northern Ireland" is a novel form, which seems expressly designed to remove obligations from every other part of the Empire except that directly controlled by the British Parliament. Three points of criticism made in *The Times*, 13th August, and other newspapers, seem misdirected. It is suggested that a Treaty can only be signed between Representative Persons, such as Monarchs and Presidents. This, however, is wrong. The United States of America has always been a signatory party to treaties in its corporate name, not that of its President, and the recent treaty of Lausanne was not made with any Caliph or other individual, but with the Council of State of the Turkish Republic. Again, a Treaty need not necessarily have as its contracting parties two independent Sovereign States: the Irish Free State Treaty is a case to the contrary, and there are quite a number of precedents for such intra-national Treaties. Lastly, it is quite possible nowadays for one of our Dominions to make a separate Treaty with a foreign state: the recent Canadian Treaty with America is a case in point. Such Treaties, however, are signed by the appropriate Dominion Minister in the name of and as representative of His Majesty. The whole juristic character of the documents called Treaties, however, has much changed of late years, and the text-books of International Law are rather out of date in their treatment of this subject.

Passive Resistance and the Magistracy.

MR. DENT's letter to Lord HALDANE, which we reprint from *The Times*, 13th inst., elsewhere, raises issues of importance in connection with the tenure of the magisterial office. Mr. DENT, who has been removed by the Lord Chancellor from the County Bench, to which he was appointed last year by Lord CAVE after consultation with the local county committee for the selection of justices, is removed solely on the ground that he is a "passive resister." He points out (1) that large numbers of justices are passive resisters, (2) that his views and actions were well known when he was appointed last year, and (3) that he has always abstained from countenancing or supporting "active" resistance or disobedience to the law. He contends that there are recognized modes of paying a rate (1) voluntarily and (2) compulsorily, under protest, after the order of a Bench. He says that he cannot conscientiously adopt the first form, but has always adopted the second, never opposing any obstacles to the enforcement of the magisterial order to pay. Now, Mr. DENT is probably technically mistaken in supposing that omission to pay a rate, until after a magisterial order to pay has been made, is not a breach of English law, but in substance and in practice his contention is reasonable. A man who for conscientious reasons only pays a part of his Education Rate under protest cannot be said to be a man of anti-social instincts who is unfit to hold the magistracy in a civilized state. It must be added, too, that Lord HALDANE's action raises a wide issue. For instance, a very large number of the women magistrates happen to have been "militants"; Lady RHONDDA, one of the most distinguished, was a "hunger-striker." Yet no one suggests that these women should be dismissed. And, indeed, Mr. DENT's case raises another large issue, namely, whether the Lord Chancellor should dismiss a magistrate on his own personal motion without consulting the County Selection Committee. Since 1908, the latter body has recommended for appointment all justices placed on the county bench, and it seems desirable that a similar rule should be observed in the case of dismissals. It would be easy to cite other instances of condoned law-breaking to show that Lord HALDANE's action is injudicious. In the prevalent disregard of law, leading to a weekly bill of death and injury on the highway, the Lord Chancellor could perform useful service in warning justices of their duty strictly to enforce the law. From many points of view it is a singular instance of straining at a gnat and swallowing a camel.

Housing of the "Working Classes."

IT IS WELL known that one of the difficulties of legislation intended to ameliorate the condition of the "working classes" is to determine what that term means. The question has arisen in the recent debates on the Housing (Financial Provisions) Bill which was passed last week. Clause 3 (1) provided that houses should be let to "tenants who intend to reside therein." In the House of Lords an amendment, to which the Lord Chancellor on behalf of the Government assented, was made introducing the words "who are members of the working classes." The matter was discussed on the 4th and 5th instant, and the discussion seems to have shown very little appreciation of the classes who require to share in statutory provision for housing. As to that, we need say no more, but there was a difference of opinion as to the definition of the term. The MARQUIS OF SALISBURY said it had been defined over and over again in Housing Acts; but in the House of Commons Sir KINGSLEY WOOD, who is an authority on housing, said that there was no definition of the term in any of the recent Housing Acts. Of course, meticulous accuracy as to statutes is not to be expected in Parliament except where a reply to some question has been carefully prepared, but in fact the MARQUIS OF SALISBURY was right, and so recently as the Housing Act of 1923 there was a change in the definition. Oddly enough, a definition is contained in the Settled Land Act, 1890, namely, that it includes "all classes of persons who earn their livelihood by wages or salaries"—a fairly comprehensive category, quite justifying Sir KINGSLEY WOOD's reminiscence of Mr. Speaker LOWTHER's dictum that it included any one from the Speaker downwards or upwards. Then there is the definition in the Schedule to the Housing Act of 1903, under which the term includes "mechanics, artisans, labourers and others working for wages" whose income does not in any case exceed 30s. a week, a limit which was raised to £3 a week by the Act of 1923 already referred to: see s. 14 and Schedule II. And the question has come before the Courts—for instance, in *White v. St. Marylebone Borough Council*, 1915, 3 K.B. 249, where it was held that a motor car driver was a member of the working classes for the purpose of the Housing Act of 1909. Altogether there is a good deal to be found in the statutes and cases as to who constitute the working classes, but as the House of Commons struck out the Lords' amendment in the present Act, the question will not arise in the above connection with the "Wheatley houses," unless, indeed, the definition in the Act of 1903, as amended by the Act of 1923, applies. This amended definition, it may be noticed, is incorporated in the Housing (Consolidation) Bill.

Compensation under the Indemnity Act.

THE RULE against remoteness of damages has been much extended in claims for compensation under s. 2 of the Indemnity Act, 1920, by *Black v. Admiralty Commissioners*, *ante*, p. 866. Here, a claimant for statutory compensation under that Act had prior to the war a running contract with trawler-shipbuilders for the construction of trawlers to his order; the builders were directed to cease all private work by the Admiralty and therefore had to decline the execution of orders from the claimant. He claimed, but was refused damages for loss of profits. The Indemnity Act, 1920, Schedule, Part II, enacts that "the compensation to be awarded shall be assessed by taking into account only the direct loss or damage suffered by the claimant by reason of direct and particular interference with his property or business." The question arises at once whether interference with a contractor compelling breach of his contracts is "direct interference" with the other contracting party's business. At Common Law such interference is not too remote: *Lumley v. Gye*, 2 E. & B. 216; but the court held that the wording of the statute requires a much narrower interpretation.

The Home Secretary desires to draw attention to the fact that, in accordance with the Summer Time Act, 1922, summer time will end this year at 2 a.m. (Greenwich time) on the morning of Sunday, 21st September.

The Rent Restriction Acts: A Stock-taking Summary.

AMENDMENT and re-amendment and amended re-amendment have combined to bring into such confusion the whole emergency legislation which governs the restriction of rents that probably no busy practitioner, not actually engaged in Rent Restriction practice, has any very clear idea of the present provisions of those Acts. Consequently, a concise guide to the statute in its latest form is more of a necessity than ever for the average lawyer. Such a guide, at once comprehensive and thorough, yet not unduly lengthy, is provided by the fourth edition of Mr. WILKINSON's "Guide."* Unlike most of the numerous expositors of the statute, Mr. WILKINSON is himself a solicitor and has the advantage of appreciating the difficulties of the statutes from the practical standpoint of the lawyer who actually sees the client, gets hold of the facts, and has to advise upon the case. No doubt it is experience of this kind which accounts for the practicability which marks Mr. WILKINSON's book.

There are now in force no fewer than four *active* statutes relating to Rent Restriction: many more have been in existence and have been repealed, in whole or in part, but must still be regarded as *passive* statutes when questions under the Acts arise, since in special cases things done under the Acts have been done as they were, and not otherwise, because of some provision in an expired or repealed statute. The four *active* statutes, then, are:—

(1) The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920. This is known as the Principal Act.

(2) The Rent Restrictions (Notices of Increase) Act, 1923. Enacted in consequence of *Kerr v. Bryde*, 1923, A.C. 16.

(3) The Rent and Mortgage Interest Restrictions Act, 1923. This is now the most important Act, since it modifies in many important details the Principal Act of 1920.

(4) The Prevention of Eviction Act, 1924. This Act, *ante*, p. 831, has just passed through Parliament and re-modifies in a conservative sense, i.e., partially restores in an altered form, provisions of the Principal Act which had been got rid of in whole or in part by the Act of 1923, the intention of which was to provide a sliding ladder for the gentle and gradual abandonment of restrictions in the course of time.

One great merit of Mr. WILKINSON's "Guide" is that every one of the four Acts is set out in full in the Appendix, so that the reader is not left to grope through the text for passages where any sub-section is quoted in full. Forms which can be used for the purpose of the Acts are also provided, and several tables of illustrative cases, working out with actual figures the principal results of the Acts. These should prove most useful.

The Principal Act, that of 1920, came into force on 2nd July, 1920. It ought to have expired on 24th June, 1923 (in Scotland, on 28th May, 1923), but was continued in force by a temporary statute, the Rent Restrictions Continuance Act of 1923, until the 31st July of the same year. As regards business premises, it had already expired on 24th June, 1921. As regards Northern Ireland, the statute just quoted did not continue the Act beyond 24th June, 1923. This Principal Act was itself merely a consolidating statute. It consolidated and amended half a dozen previous Rent Restriction Acts which dated from 1915. The general scheme of the Act is well known: it consists in

(a) Fixing a "standard rent" for dwelling-houses within the statutory limits of value, which vary in the Metropolis, the country, and Scotland.

(b) Fixing a "standard rate of interest" for mortgaged dwelling-houses within those limits of value.

(c) Prevention of the dispossession of a "statutory tenant," i.e., the tenant of premises protected by the Acts, so long as he pays rent and complies with the obligations—common law, contractual, or specially provided by this statute—of his lease.

*A Guide to the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1924. By W. E. WILKINSON, LL.D. The Solicitors' Law Stationery Society, Ltd. 7s. 6d. net.

(d) Permission, nevertheless, for the landlord to recover the premises by an order which it is within the discretion of the court to refuse on reasonable grounds, and which the court can only make in a limited number of special cases provided by the statute.

The second statute, the Notices of Increase Act, as already pointed out, is a very short Act passed merely to provide for one special situation, namely, the numerous cases in which landlords, misled by the complications and ambiguities of the statute, had given informal notices, or omitted to give notices, in circumstances which the courts ultimately interpreted in a way which the legal advisers of the landlords, at any rate in Scotland, had advised to be mistaken. This ameliorative Act was necessarily fenced round with conditions partially limiting the extent of relief given to landlords whose notices were technically wrong, so that it has not proved so useful in actual practice as was anticipated. Indeed, it has given rise, through its own ambiguities, to decided cases of very considerable importance.

The third statute, which now governs the situation so far as the grounds for a special order of possession in favour of the landlord are concerned, was enacted in 1923. It consists of two parts. Part I came into force on 31st July, 1923, the day it received the Royal Assent, and remains in force until 24th June, 1925 (Scotland, 28th May, 1925). It modifies the grounds on which possession orders may be made and makes a number of provisions for immediate de-control, e.g., premises which become vacant are released at once from the statutory jurisdictions. Part II provides for a very limited amount of discretionary relief to tenants against the common law rights of the landlord, after de-control comes into force in 1925; but as nobody supposes that de-control will be permitted then to take effect, not much attention is being paid to Part II at present.

The fourth statute, the outcome of a fierce Parliamentary contest in Committee, effects a number of compromises between the provisions of the 1920 and 1923 Acts, details of which we have already fully discussed. The reader desiring fuller information will find it in Mr. WILKINSON's book.

On Some Points of Customary Descent.

(Continued from p. 865.)

IV

ESTATES TAIL.

An estate tail in lands in which there is a particular custom of descent, will descend according to the custom, where the nature of the entail admits of such descent. Thus, an estate tail or in tail male in gavelkind will descend to sons partible.⁶⁵

But, of course, if lands in gavelkind were limited to A in tail female, the descent would be to the daughters, not to the sons; limitation in tail female, though almost uninstances in fact,⁶⁶ is perfectly valid.

So descent of tail or tail male in land of Borough English, or where the descent is specially found to the youngest son, will be to the youngest son.⁶⁷

But the custom may permit of limiting the customary descent to descent of the fee simple of the land, allowing an estate tail in the same land to descend as at common law.⁶⁸ The converse, namely, custom of descent of estate tail to youngest son, but descent of fee simple at common law, would, we conceive, be wholly bad as to the descent of the tail, for this would be no

limitation of the custom in favour of the common law, but a complete anomaly, in that the fee simple descent is consistent with the common law, and at the same time the tail descent is in contravention of the common law.

A settlor cannot, of course, alter as he pleases the descent of land. Were one to limit land descendible in Borough English to A and the heirs male of his body *according to the course of the common law*, the latter words would be rejected, and the descent of the tail from A would be to the youngest son.⁶⁹

MISCELLANEOUS.

A person who is at the death of the propositus his heir, may be displaced by later birth of a nearer heir to the propositus: the cases however in which this may happen have been considerably limited by the Inheritance Act admitting the father or lineal ancestor to the inheritance.

The case, however, may still occur where a man dies leaving only daughters or a daughter, but his wife *enceinte* of a son afterwards born. In this case the son displaces and always displaces the daughter from the heirship, but where at all events the descent is of the legal estate, has no claim to rents and profits accrued before his birth.⁷⁰

Sometimes questions have arisen as to the point of time at which heir in junior descent is to be ascertained. GEORGE REEVES, copyholder of Hoo,⁷¹ where the custom was in nature of Borough English descendible to the youngest son, had three sons, WILLIAM the plaintiff, GEORGE, and CHARLES: he surrendered the copyhold to the use of himself and his wife ANNE and his heirs: thus giving his wife surviving him a life estate, retaining the reversion in customary fee in himself. He died, his wife enters, CHARLES, the third son, dies in ANNE's life without issue, WILLIAM and GEORGE, the eldest and second sons, contend for the land. All the judges agreed that GEORGE could not take as heir to CHARLES because the custom did not give descent to the youngest brother, and that if ANNE had died in CHARLES's life and CHARLES had entered, WILLIAM must have taken as common law heir to his brother CHARLES; but they were divided upon whether, as this was a reversion on ANNE's death, and CHARLES had never been seized, GEORGE, as the youngest son of his father at ANNE's death, or WILLIAM, as common law heir to his father, should succeed. BRAMPSTON, C.J., and BERKELEY, J., held for GEORGE; JONES and CROKE, JJ., for WILLIAM.

Incidentally JONES and CROKE stated that if a man seized in Borough English had a son, but died, his wife *enceinte* of a younger son afterwards born, the posthumous son should not divest his elder brother, but this position is not law.⁷²

The above cited case of *Newton v. Shafto*,⁷³ lends some support to BRAMPSTON and BERKELEY's view, and the great authority of Lord HOLT, and of the late Mr. ELTON, is in their favour.⁷⁴

FREDK. E. FARRER.

(65) *Anon. Dyer* 179, pl. 45; *Co. Litt.* 10 (a) *Hargrave's Note*, 13 (a); *Robinson* (5th), 99, 102.

(66) *Walkine, Descent*, 185, and note; *Richards v. Richards v. Johnson*, p. 763; *Rider v. Wood*, 1 K. & J. 644.

(67) *Reeve v. Malster*, *Cro. Cas.* 410; *Rolle Abr.: Descent*, p. 624, pl. 1 (*Manor of Hoo*).

(68) *Rider v. Wood*, 1 K. & J. 644; *Robinson, Gavelkind* (5th), 247.

(69) *I Lev.* 172, 1 Sid. 267.

(70) *Robinson* (5th), 245-247.

At Hastings, on the 8th inst., Frederick George Smithers, of Rainham, Essex, was sentenced to one month's imprisonment with hard labour and debarred from holding a licence until the end of next year for having been drunk while in charge of a motor-car. It was stated that the defendant was so drunk that he fell against the side of the car. Dr. A. T. Field, cross-examined by the defendant, who denied the charge, said the tests he applied to ascertain the defendant's condition were to walk round a table with a glass of water, follow his own shadow, repeat a verse, and sign his name. The paper on which the defendant wrote his name was handed to the Bench and the Chairman remarked that the writing was very good. Dr. Field replied that often a drunken man could write his name as well and clearly as he could when sober. The Chief Constable read a list of previous convictions. [See the article reprinted from the *Lancet* in 67 *SOL. J.* 891.]

(65) *Litt.*, s. 265, *Robinson* (1st), 94, (5th), 94, 99.

(66) *Litt.*, s. 18, 22, 23, 24; *Co. Litt.*, 24 (b), 25 (a), *Hargrave's Note* (1); *Conv. Act*, 1881, s. 51.

(67) *Anon. Dyer*, 179, pl. 45; *Weeks v. Carvel, Noy*, 106; *Trash v. Wood*, 4 M. & Cr. 324.

(68) *Chapman v. Chapman*, *March*, 54 *Co. Litt.* 110b; *Hargrave's Note* 4; *Robinson* (5th) 241, (1st) Appendix.

Settlements to Avoid Income Tax and Super-Tax.

A CORRESPONDENT is good enough to furnish us with the following criticism of the article referred to below:—

Owing to the onerous nature of present-day taxation, attempts are still being made to lessen the burden of income tax and super-tax by division of the family income.

The question accordingly still arises whether, under s. 20 of the Finance Act, 1922, every voluntary settlement in favour of an infant child of the settlor must now be irrevocable in order to relieve the settlor from liability to income tax and super-tax during the minority of the beneficiary.

An article dealing with the effect of the above section on, *inter alia*, settlements of capital whereby the income of settled funds ceases to be the income of the settlor and becomes the income of some other member of the family, whether infant or adult, appeared in your issue of the 14th October, 1922 (67 SOL. J., p. 5), which seems to have been quoted as authoritative by one or two writers (Key and Elphinstone, 11th ed., Vol. II, p. 718; also Butterworth's loose-leaf forms, Vol. 7, pt. 1, p. 226).

The writer of the above article came to the conclusion that the effect of s. 20 on revocable settlements or grants is, that in no case can they be treated as alienating the income of the settlor or grantor for the purpose of tax. In other words, the contention is, because a voluntary settlement is revocable, therefore the income from the settled fund is deemed to be the income of the settlor for the purpose of income tax and super-tax.

While acknowledging the writer's admission that his article does not attempt an exhaustive exposition of the section, attention is drawn to the fact that he does not consider the effect of the section on a disposition where, although the power of revocation is exercisable by the settlor himself, it can only be exercised with the consent of some other person whose consent would also be necessary if the settlor wished to obtain for himself the beneficial enjoyment of the income.

The object of this criticism is to challenge the correctness of his conclusion that the section makes all revocable dispositions ineffectual and to suggest that it only affects such dispositions as are revocable without consent and which, at the same time, enable the settlor to obtain for himself the beneficial enjoyment of the income of the settled fund.

The part of the section with which we are concerned is as follows:—

"Any income—

"(a) of which any person is able, or has, at any time since the 5th day of April, 1922, been able, *without the consent of any other person*, by means of the exercise of any power of appointment, power of revocation or otherwise howsoever by virtue or in consequence of a disposition made directly or indirectly by himself, *to obtain for himself the beneficial enjoyment* . . .

shall, subject to the provisions of the section . . . be deemed for the purposes of the enactments relating to income tax (including super-tax) to be the income of the person who is or was able to obtain the beneficial enjoyment thereof . . ."

In effect it provides that income, under a revocable settlement, is for the purposes of income tax and super-tax to be regarded as the income of the settlor (for present purposes we need not consider any other person) if the following conditions exist, viz.:—

(a) If he is able by the means of the exercise of, *inter alia*, a power of revocation which can be exercised without the consent of any other person (excluding his wife);

(b) To obtain for himself the beneficial enjoyment of such income.

It is submitted that s. 20 impliedly legalises an honest settlement, but strikes at the dishonest one.

The test as to whether or not a settlement is *bond fide* depends (as the section clearly shows) upon the answer to the following questions, viz.:—

(1) Can the power of revocation be exercised without the consent of any other person?

(2) Is it possible for the settlor to obtain for himself the beneficial enjoyment of the income without first obtaining the consent of some other person?

If the answer to both these questions is in the affirmative, then such settlement must fall within the section, and such income must, for the purposes of tax, be regarded as the income of the settlor.

On the other hand it is suggested, that if the conditions (a) and (b) above are absent, a settlement, even though revocable, is outside the section, and therefore the settlor can and ought to be relieved from liability to income tax and super-tax, in respect of the moneys settled, during the minority of the beneficiary.

Thus to take an actual case within the writer's own knowledge.

The income of a settled fund was given to the settlor's infant daughter for her life and after her death the *corpus* was to be divided among her issue subject, however, in respect of a certain portion of the trust fund, to the exercise by her of a power of appointment by will or codicil in favour of anyone except her husband.

The settlement gave the settlor a power with the consent of the trustees to vary or revoke the settlement.

Now according to the conclusion arrived at by the writer of the article above referred to, because this settlement is revocable, therefore it must fall within s. 20. It is submitted, however, that it is an example of a revocable disposition which is outside the section.

The settlor is not able to exercise the power of revocation without the consent of some other person, neither is it possible for him to obtain for himself the beneficial enjoyment of the income without first obtaining the consent of some other person.

The particular object of the power of revocation in this case was to protect and vary the settlement in favour of the ultimate beneficiary in the event of the settlor's daughter making an undesirable marriage and being persuaded by her husband, contrary to the terms of the settlement, into making him the object of her power of appointment.

If the intention of the Legislature were to rule out all revocable dispositions, it is difficult to understand why the section particularly confines itself to a disposition which is revocable without the consent of any other person, and the question naturally arises as to the position of a disposition which can only be revoked with the consent of some other person.

The writer of the article under discussion referred to the case put forward in the Committee stage of the Finance Act by Mr. Dennis Herbert, viz., where a legacy is left in trust to pay the income to A's children, but with a provision that A may determine this trust and require the income to be paid to himself.

Although this is clearly a case where the trust can be revoked without the consent of any other person, and the person revoking is thereby enabled to obtain for himself the beneficial enjoyment of the income, yet the writer referred to, unhesitatingly admits that the section would not apply and the income would not be A's income for purposes of tax until he had called for payment to himself.

It is quite true that the income in the case just mentioned does not arise "by virtue or in consequence of a disposition made directly or indirectly" by A himself, and it may be, perhaps, for this reason that the section has no application.

It should not be forgotten that the section does not say, because a settlement is revocable, therefore the income shall be deemed to be the settlor's; it merely lays down that under certain conditions income from a revocable disposition shall be deemed to belong to the settlor.

That being so, it is submitted, not all but only some revocable dispositions fall within the section.

Reviews.

Company Law.

SECRETARIAL PRACTICE. The Manual of the Chartered Institute of Secretaries. Prepared by the Council of the Institute in conjunction with his Honour Judge SHEWELL CORFE (a Judge of the Mayor's and City of London Court). Second Edition. W. Heffer & Son, Ltd. 9s. net.

This is a very useful book on Company Law, mainly from the point of view of the actual management of the affairs of a company, and the practitioner will find in it a very interesting and convenient guide to the details which, in certain events, may give rise to litigation and call for the decision of the Court. Take such a matter as the fund out of which payment of dividends can properly be made. Dividends, it is well known, can be paid only out of profits; but while this usually is a quite sufficient guide, the question often arises, what are profits, and then we are at a curious border line of law and business, with a little political economy thrown in. "I do not," said Lord McNaghten, in *Dovey v. Cory*, 1901, A.C., at p. 488, "think it desirable for any tribunal to do that which Parliament has abstained from doing, that is, to formulate precise rules for the guidance or embarrassment of business men in the conduct of business affairs." And so the courts have preferred to deal with particular cases rather than to lay down general rules, though, of course, it has been necessary sometimes to deal with questions of principle, as in *Lee v. Neuchatel Asphalte Co.*, 41 Ch.D. 1, and *Verner v. General & Commercial Trust*, 1894, 2 Ch. 239; and distinguished judges, like Swinfen Eady, L.J., in *Ammonia Soda Co. v. Chamberlain*, 1918, 1 Ch. p. 286, have expounded the nature of fixed and circulating capital. An excellent summary of the law on this point is given in the chapter on Dividends, and

the present edition contains new chapters on Accounts, Income Tax, Share Warrants, and other matters, and attention may be directed to the concluding chapters on Office Filing, and Stamp Duties, the latter being particularly helpful. There is a series of Appendices, including forms in connection with the issue of shares and other matters, and the text of the Companies Act, 1908. In the chapter on Income Tax, it is said, in reference to the deduction of tax from dividends: "Unless there are good reasons to the contrary, the convenient practice of showing the gross dividend, the rate of tax, and the amount deducted, as well as the net dividend, upon the warrant, should be followed"; and under the new Finance Act this will be obligatory.

Books of the Week.

Statutory Companies.—Michael and Will on the Law relating to Gas and Water. Seventh Edition, in two Volumes. By F. T. VILLIERS BAYLY, Barrister-at-Law. Vol. I. Gas. Butterworth and Co. 50s. net.

Marine Insurance.—Marine Policies. A Complete Statement of the Law concerning Contracts of Marine Insurance. By WILLIAM HENRY ELDREDGE, B.A. Second Edition. By HARRY ATKINS, Barrister-at-Law. Butterworth & Co. 25s. net.

The Inns of Court.—The Story of Our Inns of Court. As told by The Rt. Hon. Sir D. PLUNKET BARTON, Bart., P.C., K.C., ex-Judge of the High Court of Ireland, and CHARLES BENHAM, B.A., and FRANCIS WATT, Barristers-at-Law. G. T. Foulis & Co. Ltd. 10s. 6d. net.

Digest.—Mews' Digest of English Case Law. Quarterly Issue. July, 1924. This Part contains Cases reported from 1st January to 1st July, 1924. By AUBREY J. SPENCER, Barrister-at-Law. Stevens & Sons, Ltd.: Sweet & Maxwell, Ltd.

The Journal of Public Administration.—Issued by the Institute of Public Administration. July, 1924. Sir Isaac Pitman & Sons, Ltd. 2s. 6d.

CASES OF LAST Sittings. Court of Appeal.

LEPPER v. BURNWELL AND CO. No. 1. 18th July.

PRACTICE—WORKMEN'S COMPENSATION—AWARD MADE ON FACTS STATED IN PARTICULARS OF CLAIM—HEARING UNSATISFACTORY—CASE REMITTED TO COUNTY COURT FOR RE-HEARING.

Upon the hearing of an application by a workman for compensation under the Workmen's Compensation Act, it is essential that the judge, sitting as arbitrator, should hear the case and elicit the full facts. It is not satisfactory to make an award in favour of the respondents upon the ground that the particulars of claim show that the applicant is not entitled to succeed.

The applicant, Lepper, was in the employment of the respondents when, on 1st November, 1923, he was assaulted by another employé, the result being that he fell into a grease pit and injured his head. Upon application being made for compensation, the judge at Birkenhead County Court took the view that, owing to the assault by the other workman, the accident did not arise out of the employment, and he asked whether the applicant's counsel had anything to add to the facts as disclosed by the particulars of claim. Upon being told "no," he at once made an award for the respondents. The applicant appealed. The court directed the case to be remitted to the county court for re-hearing.

Sir ERNEST POLLOCK, M.R., said that the course pursued by the county court judge was not satisfactory either to applicant or respondents; indeed, it was wholly unsatisfactory to deal with a case upon the crude facts as stated in the particulars. It was impossible to apply the law in such a crude way, and the case must therefore go back to the county court to have the full facts elicited at a re-hearing.

Lords Justices WARRINGTON and ATKIN agreed.—COUNSEL: Shakespeare and P. Newman; Holman Gregory and W. Procter. SOLICITORS: A. Russell Jones, for D. Hughes, Chester; Laces and Co., Liverpool.

(Reported by G. T. WHITFIELD-HAYES, Barrister-at-Law.)

DAVIES v. GWAUN-CAE-GURWEN COLLIERY CO. LIMITED.

No. 1. 22nd July.

WORKMEN'S COMPENSATION—ACCIDENT ARISING OUT OF AND IN THE COURSE OF THE EMPLOYMENT—BREACH OF PROHIBITION—ACT DONE FOR WORKMAN'S OWN CONVENIENCE—NOT FOR THE PURPOSES OF EMPLOYER'S TRADE OR BUSINESS—WORKMEN'S COMPENSATION ACT, 1923, 13 & 14 Geo. 5, c. 42, s. 7.

A workman employed as a screensman in a colliery for many years had been in the regular habit of going to a disused part of the screens in the rear of his working place to hang up his coat and also to eat food during meal intervals. Owing to the place having become dangerous, it was fenced off, and the workman warned against going there, but he continued to do so, and arriving at the colliery before daylight, went there and fell down a deep hole and was killed.

Held, that the accident was due to disobedience of a prohibition and that the prohibited act was not done for the purposes of and in connection with the employer's trade or business, and therefore did not arise out of the employment.

Appeal from an award of the deputy county court judge of Carmarthen at Ammanford, under the Workmen's Compensation Acts, 1906 to 1923. The widow of a workman 64 years of age, and in the employment of the respondents for many years past, claimed compensation for his death as having been caused by accident arising out of and in the course of the employment. He was employed as a screensman on the screens where railway wagons were loaded. The rear part of the screens had been disused for some ten years, and there was no necessity for the workman to go there for any purpose. For a long time past, however, he had made it his regular habit to go to this disused part for the purpose of hanging up his coat and eating any food he brought with him. Two cabins were provided for the men for this purpose, and he was the only man who preferred to go elsewhere. His habit was known to the officials. A few days before the accident a barrier of railings was put up to prevent any man from going into the disused part, which was considered to be dangerous, but Davies must have still gone to the usual place, getting over or under the railing. On 13th February, having arrived at the pit before daylight, he was found down a hole 19 feet deep in the disused part of the screens, and he died of the injuries he had incurred by the accident. His coat was found hanging on the nail as usual. The county court judge held that the workman's employment did not require him to go into the dangerous place where the accident happened, that he went there for his own purposes only, and after being warned not to do so by the carpenter who put up the barriers. He therefore held that the accident did not arise out of and in the course of the employment. The applicant appealed, and relied on s. 7 of the Workmen's Compensation Act, 1923, which is as follows: "For the purposes of the principal Act, an accident resulting in the death or serious and permanent disablement of the workman shall be deemed to arise out of and in the course of the employment, notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the workman for the purposes of and in connection with the employer's trade or business." This was the first case involving s. 7 of the new Act to come before the Court of Appeal.

POLLOCK, M.R., said that the appeal must be dismissed. Having stated the facts, his lordship said that Mr. Charles had argued that he was entitled to pray in aid the terms of s. 7 of the Workmen's Compensation Act, 1923, and that the workman had been brought within it. It was therefore necessary for the first time to consider its provisions. The section was not very happily worded, but it was important to observe that a new phrase was used—"the employer's trade or business." The learned judge had found that the workman was not doing anything either in connection with or for the purposes of the employer's trade or business when he met with the accident, but that he was acting entirely for his own purposes, and was still outside the ambit of the Act. It seemed to him (his lordship) that the learned judge had rightly applied his mind to the case, and had come to the right conclusion. It was doubtful whether it was wise to apply any particular construction to the section at this early stage, but it was probably intended to operate in such a case as that of *Bourton v. Beauchamp*, 1920, A.C. 1001, where a miner in breach of the statutory regulations proceeded to drill out stemming in a hole where the shot had misfired and the original charge exploded. It was more doubtful whether the new section applied to such a case as *Lancashire and Yorkshire Railway v. Highley*, 1917, A.C. 352, where a railwayman waiting for a train crossed the lines (which he need not have done) to

go to the canteen to get hot water, and was crushed under a goods train which moved off, though it was suggested in the notes to "Chitty's Statutes" that it did so apply. In such a case it might well be held that the act done by the workman was not for the purposes of and in connection with the employer's trade or business. It was sufficient to say that the act done by the workman when he met with the injury by accident must fulfil both limbs of the last sentence of the section, and unless that principle was satisfied it was not an act arising out of the employment.

WARRINGTON, L.J. and ATKIN, L.J., delivered judgment to the same effect. SOLICITORS: *J. T. Lewis & Woods, for Randell, Saunders & Randell, Swansea; C. & W. Kensholes & Prosser, Aberdare.*

[Reported by H. LANGFORD LEWIS, Barrister-at-Law.]

H.M. POSTMASTER-GENERAL v. BECK AND POLLITZER.
No. 2. 19th May.

TELEGRAPHS—INJURY TO TELEGRAPH LINE—MEMBER OF PUBLIC—NO NEGLIGENCE—LIABILITY TO MAKE GOOD—TELEGRAPH ACT, 1878, 41 & 42 Vict., c. 76, s. 8.

Section 8 of the Telegraph Act, 1878, which imposes certain liabilities on undertakers, body, or person destroying or injuring any telegraph line of the Postmaster-General, is not limited in its application, but applies to members of the public generally. Where, therefore, a member of the public injures, even without negligence on his part, any telegraph line, he is liable to refund to the Postmaster-General the expenses incurred in repairing the damage.

Appeal from a decision of the Divisional Court. In November, 1922, the servant of the defendants, acting in the course of his duty, drove a motor-lorry along a highway and brought the motor-lorry into collision with and injured a telegraph line maintained by the Postmaster-General on the pavement of the highway. It was admitted that neither the defendants nor their servant were guilty of any negligence. The Postmaster-General claimed to recover from the defendants £15 10s. 9d., being the expense incurred by the plaintiff in making good the injury. The judge of the Mayor's Court gave judgment for the plaintiff, and this was affirmed by the Divisional Court, who held that on the true construction of s. 8 of the Telegraph Act, 1878, the Postmaster-General was entitled to sue, as for a civil debt, and recover from the defendants, as a statutory right, the expenses incurred in making good the injury, although neither the defendants nor their servant were guilty of any negligence. The defendants appealed.

BANKES, L.J.:—The question raised in this case is whether a person who, without negligence, destroys or injures any part of a telegraph line of the Postmaster-General is liable under s. 8 of the Telegraph Act of 1878 to pay the expense of making good the destruction or injury which he has caused. The learned judge of the Mayor's Court, and both the learned judges in the Divisional Court, dealt very fully and very clearly, and quite satisfactorily, with the arguments that were put forward on behalf of the present appellants, that such a person was not liable under the statute; and but for the arguments which have been addressed to us, I think I might content myself with saying that I entirely agree with what the learned judges in the courts below said. But it has been argued here that the ordinary meaning ought not to be put on the language of s. 8, and that when that section speaks of a person who destroys or injures a telegraph line being made responsible, the court should put some restrictive meaning upon the word "person," and it is suggested that the expression "person" should be applied only to such persons as are in statutory relations with the Postmaster-General, whatever that may mean. That phrase is used in argument for the purpose of excluding persons whom I may refer to as being members of the general public. Counsel's argument is rested on two grounds: (1) that taking this statute and reading it with reference to the preceding statutes dealing with the telegraph undertakings, the court should see that the Legislature has not used, and did not intend to use, the word "person" in a general sense as including the general public; (2) that the court should be careful not to impose such a liability as this on the general public; the persons using the highway lawfully, in the absence of clear words to indicate that such was the intention of the Legislature. But the word "person," when used in the Telegraph Act, 1863, is used quite generally, and not in a limited sense at all. It is admitted that there is no decision which has actually any bearing on the construction which the court should put on this statute, and it must, therefore, be approached with the desire to place on it the interpretation which the language of the statute itself seems to indicate is the right one, and there is no reason whatever for placing any limitation on the word "person" as used in ss. 8 and 9 of the Act of 1878; but there is every reason why the Legislature should have intended to include members of the general public within the purview of those sections, because

long before the Act of 1878, the importance of the maintenance of continuous telegraphic communication was well established, and it was known that the principal telegraph lines throughout the country existed either on or alongside public roads or in public places, and in places, therefore, where they required protection from the general public, and the statutes have provided the means whereby the protection is to be afforded. Section 9, for instance, deals with the penalties for obstruction, and provides that where any undertakers, body, or person, or their agents obstruct the Postmaster-General or his agents in placing, maintaining, altering, examining or repairing any telegraphic line in pursuance of this Act, such undertakers, body, or person and agents shall for every act of obstruction be liable to a fine. There is nothing in the language of that section to indicate the intention of the Legislature to exclude a member of the ordinary public, even if such member of the public is exercising his lawful right of walking along the road which adjoins or alongside which the telegraph line is maintained. In s. 8 the words are: "The undertakers, body or person, by themselves or by their agents." The statute deals with two matters: (1) the destruction or injury of the telegraph line, in which case the person committing the destruction or injury is required to pay the expenses of making good; and (2) if the destruction and injury have the effect of interrupting the telegraphic communication, and that interruption is careless or wilful, then, in addition to paying the expenses, the interrupter is liable to a fine. There is no reason why the proposed limitation should be introduced into the language of the section. Indeed, there is every reason why the language should be read in its ordinary meaning, and in an unrestricted sense. Again, looking at the earlier sections of the statute, one finds that different language is used in reference to every particular subject-matter dealt with in the section. For instance, s. 3 deals with proprietors, lessees, directors or persons having the control of any railway or canal. There the expression "persons" is limited to persons having the control of the railway or canal. Section 4 applies to bodies or persons having power of jurisdiction or control over or relating to a street or public road. There, again, the persons are confined to that particular class. Section 7, however, contains no reference at all to persons, but the reference is to undertakers or their agents, and in s. 8 the language is extended to undertakers, bodies or persons without any limitation. In those circumstances, the judgments appealed against are quite right, and the appeal fails and must be dismissed.

SCRUTTON and ATKIN, L.J., delivered judgments concurring in dismissing the appeal.—COUNSEL: *J. B. Matthews, K.C., and Thomas Scanlan; Sir Patrick Hastings, A.-G., and Harold Murphy. SOLICITORS: F. J. Berryman; Solicitor to the Post Office.*

[Reported by T. W. MORAN, Barrister-at-Law.]

High Court—King's Bench Division.

WHELAN v. HENNING. Rowlatt, J. 25th June and 2nd July.
REVENUE—INCOME TAX—PROFITS FROM FOREIGN POSSESSIONS—ASSESSMENT—NO DIVIDEND REMITTED DURING CURRENT YEAR—WHETHER LIABLE TO ASSESSMENT—INCOME TAX ACT, 1918, 8 & 9 Geo. 5, c. 40, Sched. D, case 5, r. 1.

The holder of shares in a foreign company was assessed to income tax on the basis of the average of the three preceding years, although during the current year no dividend was remitted to him by the company. He appealed, and the General Commissioners discharged the assessment. The Crown then appealed.

Held, that the assessment had been rightly discharged on the basis that as no profits had arisen from the source in question payment of income tax could not be imposed, and that the appeal must be dismissed.

Brown v. National Provident Institution, 1921, 2 A.C. 222, applied.

Appeal by the Crown against a decision of the General Commissioners allowing an appeal against an assessment to income tax. The respondent, who lived in the United Kingdom, was a shareholder in a tea and rubber company incorporated in Ceylon. The dividends due to the respondent had been remitted to this country. He had been assessed under Sched. D, case v, r. 1, up to the 5th April, 1920, on the basis of the full amount on an average of the three preceding years, except in the earlier years before a three years' average was obtainable. For the year 1921 an assessment was made on the basis of the three years ending on the 5th April, 1918, 1919 and 1920 respectively. A small net profit was made in 1920, but no dividend was remitted to the respondent in respect of the year ending 5th April, 1921. The question arose whether the respondent was liable to the assessment in view of the fact that during the year ending the 5th April, 1921, he had received no income from his holding. The General

Commissioners held that the respondent was not liable to assessment on the average of the three preceding years and discharged the assessment. The Crown appealed.

ROWLATT, J., delivering a reserved judgment, said that the question was whether the liability of the respondent depended, as the Crown contended, on the possession of the shares in the year of assessment, or, as the respondent contended and as the Commissioners decided, on the receipt of some profit therefrom in that year. The answer to that question depended on the true interpretation of the decision of the House of Lords in *Brown v. National Provident Institution, supra*. The position of the respondent, in view of that decision, was, that when it was enacted in Sched. D (1) that tax under that schedule should be "charged in respect of the annual profits or gains arising or accruing" from the sources there mentioned (in the present case a foreign possession) the subject-matter of the tax was not the source of possible profits or gains themselves, and, therefore, the liability to taxation depended not upon the existence of such a source but upon the existence of profits or gains. That was a very clear proposition, in support of which many passages in the judgments in the Court of Appeal and in the speeches of the House of Lords were cited to the Commissioners. The Attorney-General, however, contended that nevertheless the decision was based on the absence of a source of profits or gains, and not on the absence of profits or gains themselves. He pointed out that returns for income tax were made early in the financial year; that the assessments were made during the summer and autumn; and that the tax was unworkable if liability depended on the accrual of profits in the year which, at the date of assessment, was still incomplete, and when the time for returns was only beginning. That, however, was an argument for the Crown which was as applicable in the case referred to as in the present case, and Lord Cave referred to it in his dissenting opinion. It did not prevail. It seemed to his lordship, looking at the matter in the light of the decision in question, that in arriving at his decision in that case he had approached the question from the point of view propounded by the Attorney-General in the present case. The Acts themselves said nothing about the existence or non-existence of sources. But the returns and assessments were made in advance. The measure of the amount was to be found in the result of the previous years' or their average. How, then, was it to be decided whether a return and assessment were to be made for the current year? The question in nine cases out of ten arose under case 1 or case 2, in respect of trades or professions, and it became a commonplace among those dealing with income tax that, if the trade or profession had been discontinued, a matter determinable at the beginning of the year, the liability to make a return and to be assessed ceased. From that arose the notion that cessation of liability to tax depended on the disappearance of the source of possible profits or gains as opposed to the disappearance of the profits or gains themselves, which, of course, necessarily also happened when the source disappeared. The test came when the question of profits from discounts arose. To speak of discounts as the source of profits was not to speak of a thing which might cease or continue, but was merely to describe the profits. In those circumstances the supposed principle that liability depended upon the existence of a source seemed to have no application, and that was the basis of his lordship's decision in that case. The decision of the House of Lords seemed to have displaced all that, and to have declared that liability depended on the existence, not of sources apart from profits, but of profits which were merely classified for assessment according to the sources named in the schedules. The observations of Lord Atkinson in his speech seemed to place the matter beyond all doubt. The appeal must be dismissed.—COUNSEL: Sir Patrick Hastings, A.-G., and R. P. Hills. SOLICITOR: Solicitor of Inland Revenue.

[Reported by J. L. DENISON, Barrister-at-Law.]

Cases in Brief.

The Law of Torts: Negligence.

(Continued from p. 816.)

IMPLIED INVITATION TO CROSS A RAILWAY LINE: An every-day set of facts elucidated an interesting doctrine in a recent railway case. Here a level crossing was protected by gates which were closed when a train was about to pass. A wayfarer strolling along the road, which he was accustomed to use, found the gates open; he crossed the line and was knocked down by a train. It was held that (1) the railway company is an occupier of the line, and therefore bound to render it safe for "invitees" on the principle of *Indermaur v. Dames*, L.R. 2 C.P. 311; (2) that the leaving open of the gates amounted to an "invitation" to persons to cross the line; and (3) therefore the company was liable for lack of care in seeing that the gate was closed whenever trains were passing. This extraordinary extension of the principle of an implied invitation seems

rather to overlook the fact that the railway company is not at liberty to keep its gates closed except, under statutory authority, when its trains are crossing the line. It is therefore difficult to see how the leaving open of gates, which the company is bound to leave open at all normal times, amounts to an invitation. This case was decided by Mr. Justice Lush: *Merceer v. S.E. & Chatham Railway*, 38 T.L.R. 43.

OWNER'S RETENTION OF CONTROL OF HIS CAR: One of the most important of recent cases in Negligence, which it is unnecessary to do more than mention since we have already discussed it, ante p. 316, helped to clear up the position of the owner of a motor car who is present in the car while a friend of his is engaged in driving it. Such an owner is deemed to retain control of the car, and therefore, the driver is deemed to be his agent, having temporary authority to drive on the owner's behalf, so that the owner is liable on the principle of *Respondat Superior* for collisions or other accidents due to the temporary driver's negligence. He is liable not only to outsiders, but also to other passengers in the car who may be injured by such negligence: *Pratt v. Patrick*, 1924, 1 K.B. 488; ante, 387.

INJURY CAUSED BY TWO INDEPENDENT TORTS: The Irish Court of Appeal, shortly before its judges were replaced in the course of the Judicial Reconstruction Scheme, delivered an important judgment on one of the most vexed questions of the Law of Torts. The facts were of a not uncommon order. A foot passenger, passing along the streets of Dublin, met an obstruction in the form of a hoarding, improperly left up after it ought to have been removed under statutory authority by the Dublin Corporation. Stepping off the road to avoid the obstruction he was knocked down by a military motor lorry. On the facts it was held that (1) the hoarding was an obstruction, and therefore, a public nuisance, in respect of which the passenger had suffered special damage; (2) the foot passenger was not guilty of contributory negligence; (3) the motor lorry was negligent. In these circumstances it certainly looks, at first sight, as if the *causa proxima* of the accident was the negligence of the lorry, and that, without such negligence, the accident would not have occurred, despite the hoarding. The court held, however, that—

(1) Here the accident was equally due to two acts of negligence, that of the Corporation, which left the obstruction in the street after it should have been removed, and that of the lorry.

(2) It is immaterial whether the two acts of negligence occur simultaneously or one in succession to the other.

(3) Therefore, the injured passenger can select and sue whichever of the two responsible tort-feasors he pleases, and hold him responsible for the entire damages suffered: *McKenna v. Stephens*, 1923, 2 I.R. 112.

CONTRACTUAL LIMITATION OF TORTIOUS LIABILITY: Although the victim of a tort may have waived or be estopped from asserting his right to full compensation because a contractual obligation has been substituted by the parties for their common law relationship, e.g., where a passenger has taken a ticket on the conditions of which limits the railway's liability in case of accident, yet his dependents are not bound by this limitation in respect of their independent claim under Lord Campbell's Act, 1846: *Nunan v. Southern Railway Co.*, 1924, 1 K.B. 233; ante, 139.

In Parliament.

New Statutes.

On 7th August the Royal Assent was given to:—

Appropriation Act, 1924.

Pensions (Increase) Act, 1924.

Old Age Pensions Act, 1924.

London Traffic Act, 1924.

Housing (Financial Provisions) Act, 1924.

Local Authorities Loans (Scotland) Act, 1924.

Agricultural Wages (Regulation) Act, 1924.

National Health Insurance Act, 1924.

Arbitration Clauses (Protocol) Act, 1924.

Workmen's Compensation (Silicosis) Act, 1924.

Post Office (London) Railway Act, 1924.

and to a number of Provisional Orders, Local and Private Bills.

House of Lords.

6th August. Agricultural Wages Bill. Amendment in clause 8 (2) (c) requiring "reasonable and proper notice" to be given before official inquiry is made as to employment or wages, carried by 27 to 11. Amendment to definition of "able-bodied"

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man, in clause 15 (1), to insert "who has attained the age of 21 years," carried by 24 to 16. Bill read a Third time and passed and returned to the Commons.

London Traffic Bill. Commons' Amendment to Lords' Amendment agreed to, the effect being to limit the operation of the Bill to 1928.

Housing (Financial Provisions) Bill. Commons' Amendments and Reasons considered. The striking out of "who are members of the working classes" which had been inserted by the Lords in clause 3 (1) (a) agreed to. Other Amendments not insisted on and Commons' Amendments agreed to.

Agricultural Wages Bill. Amendments not insisted on, but another Amendment, omitting definition of "able-bodied man," made.

7th August. Proposed Anglo-Russian Treaty. Statement by Lord Parmoor and discussion.

Consolidated Fund (Appropriation) Bill. Brought from the Commons endorsed with the certificate from the Speaker that the Bill is a Money Bill within the meaning of the Parliament Act, 1911. Passed through all its stages.

House adjourned till Tuesday, 30th September.

House of Commons.

Questions.

FOOT AND MOUTH DISEASE.

Mr. HARMSWORTH (Thanet) asked the Minister of Agriculture whether he is aware that the valuation made of pedigree stock belonging to Mr. Edwin Roy Bligh, of Goddards Green Farm, Benenden, Kent, which, on or about the 21st February last, were ordered to be slaughtered owing to an outbreak of foot-and-mouth disease was made on the special instructions to a valuer by an inspector of the Ministry to eliminate any consideration of pedigree value; why were such special instructions given, in view of Section 15, Sub-section 2 (1) and (2), of the Diseases of Animals Act, 1894; whether he is aware that permission to call in Messrs. Thornton to act as valuers of Mr. Bligh's stock was refused, and, if so, why; that valuation on a pedigree basis of the stock of Mr. Egerton Quested, of Cheriton, Kent, which also had to be slaughtered for the same reason at a date later than in the case of Mr. Bligh's stock, was admitted; that in Mr. Quested's case Messrs. Thornton were permitted to act as valuers; and whether he will state the reason for such differentiation in two like cases of pedigree herds?

Mr. BUXTON: The answer to the first part of the question is in the affirmative. The special instructions given to the valuer were given in consequence of the owner of the animals agreeing to accept compensation for the animals slaughtered on a non-pedigree basis rather than have the animals isolated. In cases of foot-and-mouth disease the Minister has two alternatives:

(1) to cause the animals to be slaughtered, in which case compensation is payable in accordance with Section 15 of the Diseases of Animals Act, 1894; or

(2) to isolate the animals where suitable premises for isolation exist.

In the latter case no compensation is payable and any loss consequent upon isolation falls upon the owner of the animals. The owner of the animals expressed his willingness to accept compensation for slaughter on a non-pedigree basis rather than risk the loss to himself on isolation, and the animals were accordingly valued on this basis and compensation was paid thereon. I am unable to accept the statement that permission to call in Messrs. Thornton to value the animals was refused. The valuer was agreed upon between the owner and the Ministry. The circumstances in connection with the outbreak referred to in the last part of the question were entirely different. Isolation in that case was considered to be impracticable, and therefore different considerations arose.

FACTORIES BILL.

Captain TERRELL (Henley) asked the Home Secretary if it is the intention of the Government to establish an industrial medical service; and, if so, with what object?

Mr. HENDERSON: Provision is made in the Factories Bill for the amendment and extension of the existing system of medical examination of young persons for factory employment on the lines recommended in the Report of the recent Departmental Committee (Cmd. 2135).

SWEEPSTAKES.

Mr. J. HARRIS (Hackney, North) asked the Home Secretary whether, seeing that an intimation has been given to the organisers of the Stock Exchange sweepstake that in future steps will be taken to prevent such procedure, it is proposed to extend this warning to other institutions organising similar sweepstakes?

Mr. DAVIES: Each case of an apparent contravention of the law relating to lotteries must be judged by reference to the actual facts. Everyone who organises a public lottery, whether it is called a sweepstake or by any other name, renders himself liable to prosecution, but I cannot promise that everyone who does so will be given notice to this effect.

Mr. FOOT: Can the hon. Gentleman give any assurance to the House that an opportunity will soon be afforded for consolidating and clearing up the law upon this complicated matter?

(6th August.)

LULWORTH COVE.

Sir K. WOOD (Woolwich, Kent) asked the Secretary of State for War if he is aware that the restrictions imposed by the military authorities at Lulworth Cove have been increased since the War; whether the bye-laws, which were drafted so as to include the whole of the Cove, but have now been modified, have yet been ratified; and whether, seeing that notice boards are erected on the edge of the Cove itself forbidding the public to advance beyond them, and that restrictions are still being enforced against fishermen, limiting them in earning their livelihood, he will reconsider his decision in this matter?

Mr. WALSH: There has been no increase in the restrictions. On the contrary, under the proposed bye-laws the restrictions will be lessened. The bye-laws have not yet been ratified, but I may add that there is not, and never has been, any intention of including Lulworth Cove itself in the danger area. The notice boards are exhibited for the safety of the public to warn them against entering the danger area whilst firing is in progress. At other times the public can have access as hitherto along existing public rights of way. The interests of the fishermen have been considered, and the Department is prepared to restrict the firing to certain days, and to limit the hours on those days. As regards the last part of the question, I cannot add anything to the answers which I gave earlier in the week.

(7th August.)

Bill Introduced.

Education Bill—"to empower local education authorities to make provision for continued school attendance and for purposes connected therewith": **Mr. EDMUND HARVEY**, on leave given. [Bill 253.]

(6th August.)

Bills under Consideration.

6th August. **London Traffic Bill.** Consideration of Lords' Amendment, insisted on by the Lords, extending the operation of the Bill to 1930 instead of 1927. Amendment accepted with substitution of 1928 for 1930.

Housing (Financial Provisions) Bill. Consideration of Lords' Amendments. Lords' Amendment to clause 3 (1) (a) requiring that houses under the Act shall be let by the local authority for occupation to tenants "who are members of the working classes and" intend to reside therein, after discussion, not agreed to. Other Lords' Amendments dealt with by acceptance or rejection. Ordered—That a Committee be appointed to draw up reasons to be assigned to the Lords for disagreeing to certain of their Amendments in the Housing (Financial Provisions) Bill.

Agricultural Wages Bill. Consideration of Lords' Amendments. Amendment for leaving out clause 6 (Power of the Minister to direct the reconsideration of minimum rates) disagreed with. Certain others of the Lords' Amendments disagreed with. Committee appointed to draw up reasons.

Consolidation Fund (Appropriation) Bill. Motion for Third reading. Statement by the Under-Secretary of State for Foreign Affairs, Mr. Ponsonby, of the Anglo-Soviet Treaty, and discussion by Mr. Lloyd George and others. Debate adjourned.

Agricultural Wages Bill. Lords' substituted Amendments, requiring in the case of a dwelling-house, reasonable notice for entry and inspection, and giving only a single definition of "able-bodied man" considered and agreed to.

Workmen's Compensation (Silicosis) Bill (Lords). Considered in Committee, and reported without Amendment, and read the Third time and passed.

Seeds Act (1920) Amendment Bill. Considered in Committee. Amendment made in clause 1 (Amendment of 10 & 11 Geo. 5. c. 54), after "Act" to insert "for making or causing to be made a false statement as to the class or variety of seed potatoes," and Bill read the Third time, and passed.

7th August. **Consolidated Fund (Appropriation) Bill.** Motion for Third reading. Debate on Anglo-Soviet Treaty resumed by Sir Robert Horne and others. Bill read the Third time, and passed.

Motion for Adjournment. Mr. Clynes moved that the House adjourn until Tuesday, 28th October, "provided always that if it appears to the satisfaction of Mr. Speaker, after consultation with His Majesty's Government, that the public interest requires

that the House should meet at any earlier time during the Adjournment, Mr. Speaker may give notice that he is so satisfied, and thereupon the House shall meet at the time stated in such notice, and shall transact its business as if it had been duly adjourned to that time."

Mr. Clynes said :

In moving this Adjournment I wish to make an announcement on business. I wish to draw attention to the fact that the date in the Motion is the date on which it was originally intended that the House should re-assemble—that is, 28th October. It was made clear yesterday that, in the event of a failure of the Parliament of Northern Ireland to appoint a Commissioner, or in the event of agreement not being otherwise reached, the Government would desire to assemble the House not later than 30th September. I only wish, in moving the Motion, to draw attention to that condition and to emphasise it as far as I can. In the event of it not being necessary to convene the House until 28th October, it is the intention of the Government to take, on Tuesday, 28th October, the following business :

Motion in regard to the arrangement of Government Business for the remainder of the Session. That has been customary.

Motion for the appointment of additional Judges if time permit, and, if time permit, the Administration of Justice Bill.

Wednesday, 29th : Factories Bill, Second Reading.

Thursday, 30th : Building Materials Bill, Second Reading.

Friday, 31st : Minor Orders to be announced when the House meets.

Mr. LLOYD GEORGE : I want to put a question to the Lord Privy Seal as to the intentions of the Government. Of course, conditions may alter, but do they intend to summon Parliament on 30th September ?

Mr. CLYNES : Yes. I have said that, in the event of no agreement being reached, and in the event of the Northern Irish Parliament not appointing a Commissioner, it is the intention to summon Parliament on that date.

Amendment for an additional day rejected by 157 to 77 and Motion agreed to.

Discussion of Anglo-Soviet Treaty (Sir John Marriott, Mr. Lloyd George, Mr. Ponsonby) : Government Publications (Sir Henry Craik) : Prevention of Eviction Act and County Court Vacation (Mr. Harcourt Johnstone) : Passive Resistance (Mr. Linfield) : the Financial Condition of the Universities (Major Church) : the Prison System (Mr. Harney) : Pensions (Tubercular Cases) (Captain Elliot). House adjourned until Tuesday, 28th October, subject to above proviso.

New Orders, &c.

New Supreme Court Rules.

THE PROVISIONAL RULES OF THE SUPREME COURT (JULY), 1924.
DATED JULY 18, 1924.

We, the Rule Committee of the Supreme Court propose to make the following Rules :—

ORDER XVI.

1. Rule 13 of Order XVI shall be annulled and the following Rule shall be substituted therefor :—

" 13. Where a defendant is added or substituted the writ of summons shall be amended accordingly and the plaintiff shall, unless otherwise ordered by the Court or a Judge, file a copy of the writ as amended and serve the new defendant with such amended writ or notice in lieu of service thereof in the same manner as original defendants are served and the proceedings shall be continued as if the new defendant had originally been made a defendant."

2. The following Rule shall be inserted in Order XVI after Rule 13, viz. :—

" 13A. (a) Where in any proceedings within section 9 of the Air Navigation Act, 1920, against the owner of an aircraft or a person to whom an aircraft has been demised, let, or hired out, such owner or person is desirous of joining any person as defendant in such proceedings pursuant to that section, an application for that purpose shall be made by a summons.

(b) Such application may and if the Court or Judge requires it but not otherwise shall be supported by an affidavit of the facts on which the applicant relies as entitling him to the order.

(c) On the hearing of the summons the Court or Judge may as a condition of the order require the applicant to give an undertaking to indemnify the plaintiff against the costs of and occasioned by the joinder of the other person as defendant and any costs which the plaintiff may be ordered to pay to such person and to abide by any order, which the Judge at

the trial or the Court or a Judge in the event of there being no trial may make as to any costs which such Judge or Court or Judge deem it reasonable that the applicant should pay to the plaintiff or the other person. Any such undertaking shall be embodied in the order made on the summons and a copy thereof shall be signed by the applicant.

(d) Where a person is added as a defendant under this Rule the writ shall be amended accordingly and an amended copy thereof shall be filed and the added defendant shall be served with the amended writ or with notice in lieu of service thereof as the case may be and the proceedings shall be continued as if the added defendant had originally been made a defendant."

ORDER LV.

3. In paragraph (2) of Rule 2 of Order LV, after the words "nominal value", there shall be inserted the words "or the applicant proves that the securities do not exceed £1,000 actual value."

4. In paragraph (8) of Rule 2 of Order LV—

(a) after the words "Assurance Companies Act, 1909," there shall be inserted the words "or under any Rules made by the Industrial Assurance Commissioner under the Industrial Assurance Act, 1923"; and

(b) for the words "that Act" there shall be substituted the words "either of those Acts."

5. Paragraphs (b) and (c) of Rule 13A of Order LV shall be annulled and the following paragraph shall be substituted therefor :—

" (b) An application for a vesting order or for an order appointing a person to convey any land or to release a contingent right to which any land is subject or to make or join in making any transfer of stock or of a share in a ship registered under the Acts relating to merchant shipping."

6. In Rule 13A of Order LV the words "and no vesting or other order consequential on the appointment of new trustees" shall be omitted and the following words shall be substituted therefor :—

" and no vesting order or order appointing a person to convey any land or release a contingent right to which any land is subject or to make or join in making any transfer of stock or of a share in a ship registered under the Acts relating to merchant shipping."

ORDER LVB.

7.—(a) At the end of the heading to Order LVB of the Rules of the Supreme Court, 1883, there shall be added as an additional part of the heading the following words "IV. The Industrial Assurance Act, 1923."

(b) At the end of Order LVB there shall be added as an additional part of that Order, the following Rules :—

" IV.—Industrial Assurance Act, 1923.

49. Every appeal to the High Court under sections 7 (2), 17 (3), 18 (1) (f), 30 (1) and 45 (2) of the Act from a refusal, direction, decision or award of the Commissioner shall be instituted in the Chancery Division of the High Court of Justice by originating notice of motion and shall be heard and determined by a Divisional Court constituted by two Judges of that Division nominated from time to time either generally or in any particular instance for that purpose by the Lord Chancellor. The determination of such appeal by the Divisional Court shall be final unless leave to appeal is given by that Court or by the Court of Appeal.

50. The notice of motion shall be in the Form No. 18 F set out in Part II of Appendix B and shall state the grounds of appeal. No grounds other than those so stated shall (except with the leave of the Court and on such terms as the Court may think just) be allowed to be taken by the appellant at the hearing of the appeal. The date mentioned in the notice for the hearing of the appeal shall be not less than 14 days after the service of the motion.

51. Every appeal shall be brought within 21 days of the refusal, direction, decision or award of the Commissioner or within such extended time as the Commissioner or the Court may think fit to allow.

52. The notice of motion shall be served on the Commissioner but the Court may at any stage of the proceedings direct the notice of motion to be served on any other person or persons and may if it shall appear expedient so to do cause notice to be given by advertisement or otherwise of the nature of the appeal and of the time when it will be or is likely to be heard and disposed of or otherwise make provision for enabling any person interested in the collecting society or industrial assurance company concerned or in the subject-matter of the appeal to appear and be heard on the appeal.

53. The ordinary practice and rules in the Chancery Division shall in so far as the same are not inconsistent with this Part of this Order apply to proceedings under this Part of this Order.

54. Any interlocutory orders or directions (not involving the decision of the appeal) which may be authorised by this Part of this Order or which may be necessary or desirable in the course of the proceedings may be made or given by either of the Judges constituting the Divisional Court and shall be applied for by summons (intituled in the same manner as the notice of motion) returnable at the Chambers of the Judge to whom the application is made whose decision shall be subject to an appeal to the Court.

55. On every appeal the Court shall have all the powers vested by the Act in the Commissioner and may make any order which ought or might have been made by the Commissioner.

56. On every appeal under section 7 (2) or section 17 (3) of the Act the appellant shall forthwith after the filing of the copy of the notice of motion at the Central Office and before the service thereof apply *ex parte* to the Court for leave to appeal. Such application shall be supported by an affidavit setting out the material facts, the effect of the refusal or direction of the Commissioner and the grounds upon which the application is made and stating that the deponent is advised and believes that the appellant has good grounds for appealing. No order giving leave to appeal shall be drawn up but the Registrar shall endorse upon the face of the notice of motion and sign a note stating that such leave has been granted by the Court, and the date when such leave was granted, and a copy of such note shall appear upon every copy of the notice of motion to be served upon any respondent to the motion.

57. The costs of every appeal and of any proceedings connected therewith and of any proceedings before the Commissioner shall be in the discretion of the Court.

58. In this Part of this Order 'the Act' means 'The Industrial Assurance Act, 1923'; 'the Commissioner' means 'the Industrial Assurance Commissioner' constituted by section 2 of the Act and 'the Court' means the Divisional Court constituted as prescribed by Rule 49 of this Order."

ORDER LIX.

8. In Rule 10 of Order LIX after the words "the appeal entered," there shall be added the words "and on the Registrar of the court from which the appeal is brought."

9. Rule 13 of Order LIX shall be annulled.

APPENDIX B.—PART II.

10. In Part II of Appendix B to the Rules of the Supreme Court, 1883, there shall be inserted the following additional Form which shall stand as Form No. 18F in that part of that Appendix:—

"No. 18F.

Notice of motion on appeal under the Industrial Assurance Act, 1923.

In the High Court of Justice,
Chancery Division
Divisional Court

In the matter of the Industrial Assurance Act, 1923
And in the matter of an appeal against the decision [or as the case may be] of the Industrial Assurance Commissioner given [or made] under section of the Act on a question as to &c. [or as the case may be]

Take notice that the High Court of Justice Chancery Division at the Royal Courts of Justice Strand London will be moved at the expiration of 14 days from the service upon you of this notice, or so soon thereafter as Counsel can be heard, by Counsel on behalf of [or as the case may be] for an order that the decision [or as the case may be] of the Industrial Assurance Commissioner given [or made] on the day of [or as the case may be] whereby it was decided [or as the case may be] that [state effect of refusal, direction, decision or award appealed against] may be reversed or set aside or varied and that [state order required].

And further take notice that the grounds of this appeal are: [state grounds]

Dated this day of 19

(Signed) by the party appealing or by his Solicitor.

To the Industrial Assurance Commissioner."

APPENDIX K.

11. Form No. 10 in Appendix K to the Rules of the Supreme Court, 1883, shall be annulled, and the following form shall stand in lieu thereof:—

"No. 19.

*Order for production of Ship's Papers.
[Heading as in Form 1.]*

UPON HEARING the solicitors or agents for all parties it is ordered that the plaintiff and all persons interested in these

proceedings, and in the insurance, the subject of this action, do produce and show to the defendant, his solicitors or agents, upon oath all insurance slips, policies, letters of instruction, or other orders for effecting such slips or policies, or relating to the insurance or the subject-matter of the insurance on the ship [or the cargo on board thereof, or the freight thereby, and also all documents relating to the sailing or alleged loss of the said ship, the cargo on board thereof and the freight thereby, and all letters and correspondence with any person or persons in any manner relating to the effecting the insurance on the said ship, the cargo on board thereof, or the freight thereby, or any other insurance whatsoever effected on the said ship, or the cargo on board thereof, or the freight thereby, on the voyage insured by, or relating to the policy sued upon in this action, or any other policy whatsoever effected on the said ship, or the cargo on board thereof, or the freight thereby on the same voyage. Also all correspondence between the captain or agent of the vessel and any other person with the owner, or any person or persons previous to the commencement of or during the voyage upon which the alleged loss happened. Also all protests, surveys, log books, charter-parties, tradesmen's bills for repairs, average statements, letters, invoices, bills of parcels, bills of lading, manifests, accounts, accounts current, accounts sales, bills of exchange, receipts, vouchers, books, documents, powers of attorney, correspondence, papers, and writings (whether originals, duplicates, or copies respectively), which now are in the custody, possession, or power of the plaintiff or any other person, his or their or any or either of their brokers, solicitors, or agents, in any way relating or referring to the matters in question in this action, with liberty for the defendant, his solicitors or agents to inspect and take copies of or extracts from the same or any or either of them, and that in the like manner the plaintiff and the said other persons interested as aforesaid do account for all such documents as were once but are not now in his, their, or any, or either of their possession, custody, or power, and that in the meantime all further proceedings be stayed, and that the costs of and occasioned by this application be costs in the action.

Dated the day of "

12. These Rules may be cited as the Provisional Rules of the Supreme Court (July), 1924, and the Rules of the Supreme Court, 1883, shall have effect as amended by these Rules.

And we, the Rules Committee, hereby certify that on account of urgency these Rules shall come into operation on the 12th day of October, 1924, and we hereby make these Rules to come into operation on that day as Provisional Rules.

Dated the 18th day of July, 1924.

Haldane, C.
Ernest M. Pollock, M.R.
Charles H. Sargent, L.J.
John Sankey, J.
Roger Gregory.

[We must hold over the new Patents and Designs Rules. They come into operation on 12th October.]

New County Court Rules.

THE RENT (RESTRICTIONS) RULES, 1924.

1. Rule 20 of the Increase of Rent and Mortgage Interest (Restrictions) Rules, 1920 [S.R. & O. 1920, No. 1261] shall be extended to include applications under section 2, sub-section (1) of the Prevention of Eviction Act, 1924 [14 & 15 Geo. 5, c. 18], and where the application is to be heard by the judge either in the first instance or on reference or appeal from the registrar and the judge is not sitting, the registrar may, on application in that behalf and on such terms (if any) as he shall think fit, stay proceedings under the judgment, order, or execution until the matter can be dealt with by the judge.

2. These Rules may be cited as the Rent (Restrictions) Rules, 1924.

Dated the 6th day of August, 1924.

Haldane, C.

THE COUNTY COURT (No. 1) RULES, 1924.

1. These Rules may be cited as the County Court (No. 1) Rules, 1924, and shall be read and construed with the County Court Rules, 1903 [S.R. & O. 1903, No. 629], as amended.

An Order and Rule referred to by number in these Rules means the Order and Rule so numbered in the County Court Rules, 1903, as amended.

The County Court Rules, 1903, as amended, shall have effect, as further amended by these Rules.

2. The following Rules shall be inserted in Order V after Rule 3, and shall stand as Rules 3A and 3B respectively:—

“3A. *Amendment where ejectment proceedings brought under s. 138 or s. 139.*—Where in an action brought for recovery of possession under section 138 or section 139 of the County Courts Act it shall appear at any time before or at the hearing that the action should have been brought for ejectment under section 59 of the Act, the Judge or registrar may on the application of the plaintiff amend the proceedings for the purpose of enabling the action to be continued as an action of ejectment under that section upon such terms and in accordance with such directions as he shall think fit, but without prejudice to an application under that section (to be made at any time within eight days after the order of amendment) to have the action tried in the High Court, and the hearing or further hearing or judgment may be postponed or adjourned for that purpose or on any other ground.

3B. *Application to the High Court under s. 59.*—An application in an action of ejectment under section 59 of the County Courts Act to have the action tried in the High Court shall be made within eight days from the day of service of the summons except in the case referred to in the preceding rule.”

3. In Rule 20 (3) of Order IX, the following words shall be omitted:—

“(including, if the Judge on consideration of the facts of the case so orders, any of the items which might have been allowed by order of the Judge at the trial).”

4. The following Rule shall be inserted in Order XIV after Rule 2, and shall stand as Rule 2A:—

“2A. *Joiner of defendant under Air Navigation Act, 1920, 10 & 11 Geo. 5, c. 80.*—(1) Where in any proceedings within section 9 of the Air Navigation Act, 1920, against the owner of an aircraft or a person to whom an aircraft has been demised, let, or hired out, such owner or person is desirous of joining any person as defendant in such proceedings pursuant to that section, an application for that purpose shall be made under and in accordance with the provisions of Order XII, Rule 11, on notice in writing to the opposite party not less than five clear days before the return day, and if not so made shall not subsequently be made except with the leave of the Court or Judge and on such terms as the Court or Judge may think fit.

(2) Such application may and if the Court or Judge requires it shall be supported by an affidavit of the facts on which the applicant relies as entitling him to the order.

(3) On the hearing of the application the Court or Judge may as a condition of the order require the applicant to give an undertaking to indemnify the plaintiff against the costs of and occasioned by the joinder of the other person as defendant and any costs which the plaintiff may be ordered to pay to such person and to abide by any order which the Judge at the trial or the Court or a Judge in the event of there being no trial may make as to any costs which such Judge or Court or Judge deem it reasonable that the applicant should pay to the plaintiff or the other person. Any such undertaking shall be embodied in the order made on the application and a copy thereof shall be signed by the applicant.”

5. Part I of the Appendix to the County Court Rules, 1903, shall be amended, as follows:—

(a) In the indorsement on Form 22, after the words “payment thereof you should” the words “sign an admission, printed forms for which may be obtained at the office of any registrar, and deliver it” shall be omitted, and the words “deliver an admission in writing” shall be substituted therefor.

(b) In Form 25—

(i) after the words “specified in the notice” the words “A form of admission may be obtained from any Registrar” shall be omitted.

(ii) in the indorsement thereon after the words “five clear days” there shall be inserted the words “[or if the claim exceeds £50, ten clear days].”

(c) In the indorsement on Form 163, before the words “Fees for the execution,” there shall be inserted the following words:—

“The name and address of the [] solicitor to the execution creditor is:—

[This information should be inserted only where the warrant is to be sent to the High Bailiff of a foreign court.]”

We, the undersigned persons appointed by the Lord Chancellor pursuant to section one hundred and sixty-four of the County Courts Act, 1888, and section twenty-four of the County Courts Act, 1919 [51 & 52 Vict., c. 43, 9 & 10 Geo. 5, c. 73], to frame Rules and Orders for regulating the practice of the Courts and forms of proceedings therein, having by virtue of the powers

vested in us in this behalf framed the foregoing Rules, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

E. Bray.
T. C. Granger.
W. M. Cann.
J. W. McCarthy.
Arthur L. Lowe.
A. H. Coley.

Approved by the Rules Committee of the Supreme Court.
Claud Schuster,
Secretary.

I allow these Rules, which shall come into force on the 1st day of October, 1924.

Dated the 1st day of August, 1924.

Haldane, C.

Societies.

The Law Society.

ANNUAL REPORT OF THE COUNCIL.

(Continued from p. 872.)

The Society's Educational Work.—Considerable progress has been made since the issue of the last Report with the duties imposed upon the Society by Section 2 of the Solicitors Act, 1922. The Newcastle-upon-Tyne scheme, projected in the early months of last year, has now come into active existence, and has made an excellent beginning. It works as a branch of the activities of Armstrong College in the University of Durham; but it is managed by an Advisory Committee on which solicitors are fully represented. Proposals have been made for a new University degree which shall be open to articled clerks attending the School; and it is hoped shortly to extend the area of the School's influence. An East Midland Law School, in connection with the University Colleges of Nottingham and Leicester, has been constituted to provide facilities for articled clerks in the counties of Notts, Leicester, Derby and Lincoln. A third School has been founded in connection with University College, Exeter; and a fourth in connection with the University College, Southampton. In all these Schools the direct management is in the hands of a special body on which local solicitors, as well as The Law Society, are represented; and reports on the working of the Schools are from time to time presented to the Council, which makes annual grants from the Legal Education Fund arising under the Act towards their maintenance. The previously existing Schools at Manchester, Liverpool, Leeds, Sheffield, Birmingham, Aberystwyth, Cardiff and Swansea, on all of which the Council is represented, have been strengthened; and the special interests of articled clerks have received due consideration. The older Universities of Oxford and Cambridge have also entered into special arrangements with the Council with a similar object; and an effort has been made to meet the requirements of articled clerks in the district of North Wales by the establishment of a visiting lectureship at Rhyl, under the supervision of the University Colleges of Bangor and Aberystwyth; while the University of Leeds has established extra-mural lectures at York and Hull for the benefit of articled clerks in central and eastern Yorkshire respectively. That, though a good deal remains to be done in the eastern and southern counties, it is possible to look forward with confidence to the time when articled clerks all over the kingdom will be able to fulfil their obligations under the Act without hardship. Meanwhile, it is gratifying to note that the applications for discretionary exemption from the terms of the Act on geographical grounds have been very few, and that in no case has it been found necessary to grant unconditional exemption; though in one or two cases applicants have been given leave to repeat their applications at a later stage. In order to cope with its increasing duties the Legal Education Committee has (with the approval of the Council) created a sub-committee of London members to deal in the first instance with the affairs of the Society's own School, and report to the full Committee, which meets once a month (except during the Long Vacation) on the first Council day of the month. The Committee has sustained severe losses during the year by the lamented deaths of Sir Walter Trower and Mr. Scriven, elsewhere alluded to, and the resignation of Mr. Gordon of Bradford. Sir Walter Trower had resigned from the Committee a few months before his death, having sat continually as an active and valued member of the Committee since its creation in 1903. New members added to the Committee since the last Report are the Vice-President (*ex-officio*), Mr. Barry, Mr. Bischoff, Mr. Bramley (representing Yorkshire), and Mr. Pott. In July last, the Society of Public Teachers of Law, at the invitation of the Council, held its annual meeting at the Society's Hall; and the Society and other guests were subsequently entertained at dinner.

The Society's School of Law.—The number of students enrolled during the session 1923-24 was 226, as against 206 in 1922-23 and 243 in 1921-22. There have been ten women students, as against thirteen in 1922-23 and eighteen in 1921-22. At the three qualifying examinations held since the last Annual Report, 172 of the Society's students have been successful in passing, viz., eighty-two in the Final and ninety in the Intermediate. Fourteen of the Society's students have obtained Honours in the new Honours Examination, viz., two in the First Class (including the Clifford's Inn, the Clement's Inn, and the John Mackrell prizes), seven in the Second Class, and five in the Third Class. The Council have amended the Rules for the Students' Rooms in various particulars; and subscriptions can now run from quarterly instead of half-yearly dates. On the evening of the 13th March, the members of the Teaching Staff (by permission of the Council) held a students' reception in the Members' Common Room and Library, attended by about 170 guests. The Master of the Rolls (Rt Hon. Sir Ernest Pollock, K.B.E.) was the guest of honour and delivered a most interesting address, a full report of which was published in the legal weeklies of March 22nd. There was also music, and an original play written by a member of the Teaching Staff and acted by students. The *Bulletin of Recent Changes in the Law* continues to be issued to students once a Term.

Solicitors' Remuneration.—In the last Annual Report it was stated that the Joint Remuneration Committee were considering the desirability of urging an increase in the *ad valorem* scales under the *Solicitors' Remuneration Act, 1881*, and of including in those scales some matters now remunerated by item charges. The Joint Committee decided in the first instance to invite the opinion of each Provincial Law Society as to what alterations should be made, and they received replies from thirty-six Societies, a considerable majority of whom expressed the opinion that an application was desirable, and should be made, for increasing the negotiating, the deducing, and the investigating scales, and the scales as to leases. Acting upon these replies, the Joint Committee reported in favour of an application for such increases. Their report was submitted to the Council, who decided, however, before adopting it, to submit it to the Provincial Law Societies. Comments on the report were duly received. These were considered by the Joint Committee, who then slightly amended their original report, and submitted it to the Council with a supplemental report explaining their amendments. The Report and Supplemental Report were adopted by the Council on the 18th January, 1924, and they are included in the Appendix. The Committee had recommended that the Lord Chancellor should be asked to summon a meeting of the Committee under Section 2 of the *Solicitors' Remuneration Act, 1881*, so that the amendments suggested might be submitted to that Committee. A copy of the report has accordingly been sent to the Lord Chancellor with a request that he will in due course summon the Committee. Since sending the report to the Lord Chancellor the Council have received from the Associated Provincial Law Societies a request not to proceed with the recommendation as to remuneration when the same solicitor acts for both vendor and purchaser. The Council have decided to accede to this request.

District Probate Registrars.—The Departmental Committee, whose appointment was recorded in the last Annual Report, issued their report in October last. It included a recommendation that persons qualified for appointment as probate registrars should be barristers or solicitors of five years' standing, or clerks in the Principal or other Probate Registry of ten years' service, but the Committee contemplated that in future Registrars would as a rule be appointed from the Principal Probate Registry. The qualification for Probate Registrar has for many years been that recommended in the Report, but the tendency has always existed, and latterly to a constantly increasing extent, of preferring clerks in the Principal Probate Registry. The Council have from time to time protested against this tendency but their protests have been disregarded. It seems evident that, in view of the statement in the report, it is contemplated that in future registrars will as a rule be appointed from the Principal Probate Registry, and barristers and solicitors will receive a still smaller share of future patronage. The practice of appointing unqualified probate clerks to be District Probate Registrars, whereby they are qualified by statute to hold and have in fact been appointed High Court District Registrars, is extremely unsatisfactory. The Council considered that the question of the appointment of District Probate and District High Court Registrars is primarily one for Provincial Solicitors. As soon, therefore, as the report of the Departmental Committee was issued the Council submitted it to the Associated Provincial Law Societies whose view is that so much of the report as recommends the appointment of unqualified probate clerks should not be acted upon, and that a District Probate Registrar who is not a barrister or solicitor should not be eligible for the position of District Registrar of the High Court.

Registration of Title.—The Council were informed that the Middlesex County Council had referred to a Special Committee

the question whether it would be desirable to extend the area for compulsory registration of title to the County of Middlesex. The matter appears to have been considered with much care, and the County Council seem to have had the advantage of hearing the Chief Registrar and Sir Arthur Underhill. Ultimately by an unanimous vote the County Council declared itself against the adoption of compulsory registration, particularly having regard to the fact that registration is optional and voluntary.

Land Registry.—The Chief Land Registrar has suggested that solicitors acting for purchasers of unregistered land or land registered merely with possessory title, who submit the title to Counsel, should, in asking his advice upon it, request him at the same time to supply such certificate of its validity as would enable the Registrar to grant an Absolute Title to the land purchased. The Registrar has pointed out that if Counsel is asked for such certificate at the time he is investigating the title, his fee for that certificate will be less than if the Registrar himself were to submit the title to Counsel independently for the exclusive purpose of deciding as to the nature of the title to be registered. The Registrar has stated also that whether the certificate is given at the instance of the solicitor, or on the instructions of the Registrar, the fee of Counsel is debited to the applicant for registration. The Council have discussed the matter with the Registrar, and are considering the form of certificate which it is suggested Counsel should be asked to give. In this connection, there has been submitted to the Council certain correspondence with the Chief Land Registrar which indicates the necessity on the purchase of registered land of inspecting not merely the Certificate or Certificates of Title, but also the Instrument of Transfer. The purchaser of a registered house covenanted with the person who had sold it to her that she would bear the cost of making up the road adjacent to the property. This covenant had been inserted in the Instrument of Transfer to the purchaser, but as it was a covenant not running with the land, no reference to the purchaser's liability under it was inserted in the Certificate of Title. When at a subsequent date the purchaser decided to sell the house, it happened, not merely that she instructed a different solicitor to act for her, but that she had completely forgotten the existence of her covenant. Her new solicitor suspecting its existence asked for production of the Instrument of Transfer and ultimately was permitted to inspect it. There he found the covenant and at once took an indemnity against it from the new purchaser. This experience has shown (a) the necessity of being legally advised in dealing with registered land, (b) the necessity of inspecting Transfers on the Register and (c) the danger of relying solely upon the Certificate of Title. The Council are in correspondence with the Chief Land Registrar on the subject.

Law of Property Act, 1922.—In the last Annual Report reference was made to the fact that following upon the passing of the *Law of Property Act, 1922*, the Government were about to introduce Bills to consolidate the Law relating to Conveyancing. In November last, the Lord Chancellor appointed a Committee under the Chairmanship of Mr. Justice Romer to advise what amendments in the Law were required in order to enable the various branches of the Statutory Law affected by the *Law of Property Act, 1922*, to be satisfactorily consolidated, and to advise as to the form of the proposed Consolidation Bills and as to the date on which they should be brought into operation. The Committee is constituted of eminent conveyancing barristers, and it was suggested to the Council that they should press for the appointment of solicitors upon it. In view, however, of the fact that Sir Benjamin Cherry had been appointed on the Committee, that he had for many years acted for the Council and that an understanding existed that he would direct the attention of the Council to any point which might usefully be considered by them, the Council did not consider it desirable to press the point.

(To be continued.)

ERRATUM.—In the report of the adjourned annual meeting of The Law Society in our last number, the name of the Vice-President appears as Mr. W. W. Gibson, Newcastle-on-Tyne. It should have been Mr. Herbert Gibson (Messrs. Deacon, Gibson, Marriot & Fisher), 9, Gt. St. Helen's, E.C.3.

Mr. Cecil Chapman, who discharged his magisterial duties for the last time at the South-Western Police Court on the 7th inst., was offered the best wishes of the members of the legal profession practising before him in his forthcoming retirement. Mr. Chapman thanked them, and said he had always received at that court, as at others, every courtesy. He was leaving, not because he wanted to, but because the conditions of the service regarding age compelled him. On the 13th inst. Mr. Cecil Chapman made his last appearance as magistrate at Westminster Police Court, presiding at the Children's Court, at Caxton Hall. Among those present to bid him farewell were Mr. J. D. Cassels, K.C., Mr. Philip Conway, and a number of police and officials connected with the court.

LAW REVERSIONARY INTEREST SOCIETY

LIMITED.

No. 19, LINCOLN'S INN FIELDS, LONDON, W.C.

ESTABLISHED 1853.

Capital Stock £400,000
Debenture Stock £331,130

REVERSIONS PURCHASED. ADVANCES MADE THEREON.

Forms of Proposal and full information can be obtained at the Society's Office.

G. H. MAYNE, Secretary.

Drunken Motorists and the London Sessions.

At the Clerkenwell Police Court on 23rd July, says *The Times*, Patrick Corcoran, thirty-five, of Battersea Park-road, pleaded "Guilty" to a charge of being drunk with a motor-car, at Coram-street, Bloomsbury. Mr. Bingley (the Magistrate), commenting on the danger of drunken persons being in charge of motor-cars, said the sentence was either 40s., a mere trifle, or imprisonment, carrying with it ruination. But, so long as the London Sessions were constituted as at present he would not pass a sentence on which he would be immediately stultified on appeal. Therefore he imposed a fine of 40s., and ordered the defendant to pay ten guineas costs. The licence would be both endorsed and suspended for three months.

Dealing at the West London Police Court, on the 13th inst., with the case of a man accused of being drunk while in charge of a motor-car, the magistrate, Mr. Lankester, said that the magistrates some time ago determined that the only fit punishment for such an offence was imprisonment. For some unknown reason, however, the justices at Quarter Sessions seemed to adopt a different attitude, with the result that in nearly every case the term of imprisonment imposed by the Metropolitan magistrate was reduced by the superior court to the nominal fine of 40s., the utmost monetary penalty which the law allowed. In these circumstances it was a farce to impose a sentence of imprisonment. He thought that there should be an amendment of the law so as to bring it more into conformity with the requirements of modern traffic, which was chiefly motor traffic.

The Prevention of Evictions Act.

Mr. Allan B. Lemon, of 71, Powis-street, Woolwich, recently wrote to the Lord Chancellor calling his attention to the fact that, as most of the sittings of the County Courts are suspended during the greater portion of August and September, the power of application under the Prevention of Evictions Act, 1924, for rescission or variation of an order or judgment, appeared likely to become practically inoperative. He has received the following reply, dated 6th August:—

"The Lord Chancellor thinks that it will not be necessary to appoint vacation County Court Judges in order that the Prevention of Evictions Act, 1924, should not be a dead letter. Any Judge is capable of acting for any other Judge in any place, and there will be enough Judges available during August and September to deal with any applications with which the Registrar cannot deal.

"The Registrar's powers, however, in these matters are considerable, and to remove any doubts the Lord Chancellor is making a new Rule, under which a Registrar can stay the execution of an order for possession in the absence of the Judge. Any *bond fide* application to rescind an order under section 2 (1) of the Act of 1924 would be a ground on which a tenant could reasonably apply for a stay of proceedings under that Order. If the Registrar grants the stay, any difficulty in coming before a Judge would not prejudice the tenant."

The Treaty of Lausanne.

It is officially announced that the Treaty of Peace with Turkey signed at Lausanne on 24th July, 1924, entered into force for the British Empire, Italy, and Japan on 6th August, the date of the instrument formally recording the deposit in Paris of their respective ratifications of the Treaty.

Article 143 of the Treaty stipulates that the settlement shall come into force for the Powers which have ratified it on the date on which this instrument is drawn up. The Treaty has also been ratified by Greece, and Bulgaria has ratified those portions of it to which she is a signatory.

The principal effect of the entry into force of the Treaty, as far as the British Empire is concerned, is to put an end to the

state of war which has existed between the British Empire and Turkey since November, 1914.

A full announcement will appear shortly in the *Board of Trade Journal* regarding the effect of the entry into force of the economic portions of the Treaty, including the Inter-Allied Turkish Reparation Convention of 23rd November, 1923.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate 4%. Next London Stock Exchange Settlement, Thursday, 28th August.

	MIDDLE PRICE, 13th Aug.	INTEREST YIELD.
English Government Securities.		
Consols 2½%	57½	£ 8. 0
War Loan 5% 1929-47	101½	4 19 0
War Loan 4½% 1925-45	97	4 13 0
War Loan 4% (Tax free) 1929-42	101½	3 18 0
War Loan 3½% 1st March 1928	95½xd	3 13 0
Funding 4% Loan 1960-90	89	4 10 0
Victory 4% Bonds (available at par for Estate Duty)	93½	4 6 0
Conversion Loan 3½% 1981 or after	77½	4 10 0
Local Loans 3% 1921 or after	66	4 11 0
India 5½% 15th January 1932	100½	5 9 0
India 4½% 1950-55	86½	5 4 0
India 3½%	66	5 5 0
India 3%	56	5 6 0
India 5½% 15th January 1932	100½	5 9 0
South Africa 4% 1943-63	87½xd	4 11 0
Jamaica 4½% 1941-71	95	4 14 0
New South Wales 4½% 1935-45	94½	4 15 0
W. Australia 4½% 1935-65	95	4 14 0
S. Australia 3½% 1926-36	85	4 2 0
New Zealand 4½% 1944	95½	4 14 0
New Zealand 4% 1929	95½	4 3 0
Canada 3% 1938	83	3 12 0
Cape of Good Hope 3½% 1929-49	80	4 7 0
Colonial Securities.		
British E. Africa 6% 1946-56	113½	5 6 0
South Africa 4% 1943-63	87½xd	4 11 0
Jamaica 4½% 1941-71	95	4 14 0
New South Wales 4½% 1935-45	94½	4 15 0
W. Australia 4½% 1935-65	95	4 14 0
S. Australia 3½% 1926-36	85	4 2 0
New Zealand 4½% 1944	95½	4 14 0
New Zealand 4% 1929	95½	4 3 0
Canada 3% 1938	83	3 12 0
Cape of Good Hope 3½% 1929-49	80	4 7 0
Corporation Stocks.		
Ldn. Cty. 2½% Con. Stk. after 1920 at option of Corp.	54xd	4 12 0
Ldn. Cty. 3% Con. Stk. after 1920 at option of Corp.	64½xd	4 13 0
Birmingham 3% on or after 1947 at option of Corp.	65	4 12 0
Bristol 3½% 1925-65	76	4 12 0
Cardiff 3½% 1935	88	3 19 0
Glasgow 2½% 1925-40	75	3 0 0
Liverpool 3½% on or after 1942 at option of Corp.	77	4 11 0
Manchester 3% on or after 1941	65	4 12 0
Newcastle 3½% irredeemable	75½	4 13 0
Nottingham 3% irredeemable	64½	4 13 0
Plymouth 3% 1920-60	69½	4 6 0
Middlesex C.C. 3½% 1927-47	82	4 5 0
English Railway Prior Charges.		
Gt. Western Rly. 4% Debenture	84½	4 14 0
Gt. Western Rly. 5% Rent Charge	103½xd	4 16 0
Gt. Western Rly. 5% Preference	102½	4 17 0
L. North Eastern Rly. 4% Debenture	83	4 16 0
L. North Eastern Rly. 4% Guaranteed	83½	4 15 0
L. North Eastern Rly. 4% 1st Preference	82½	4 17 0
L. Mid. & Scot. Rly. 4% Debenture	83½	4 15 0
L. Mid. & Scot. Rly. 4% Guaranteed	83½	4 15 0
L. Mid. & Scot. Rly. 4% Preference	82½	4 17 0
Southern Railway 4% Debenture	83	4 16 0
Southern Railway 5% Guaranteed	103	4 17 0
Southern Railway 5% Preference	101	4 19 0

A UNIVERSAL APPEAL.

To LAWYERS: FOR A POSTCARD OR A GUINEA FOR A MODEL FORM OF BEQUEST TO THE HOSPITAL FOR EPILEPSY AND PARALYSIS, MAIDA VALE, W.

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Passive Resistance and the Magistracy.

Mr. E. A. Dent, the Justice of the Peace removed from the Bench because he is a passive resister, has addressed the following letter to the Lord Chancellor:-

My Lord,—Your Lordship's decision that I am to be removed from the Bench because I have been and am a passive resister, has reached me. Being unable either to resign my Commission of the Peace, or to give an undertaking to desist from the course of passive resistance to the payment of a rate for teaching in which I do not believe, I now find myself singled out for treatment which it is difficult to reconcile with the principles reputed to be those of your Lordship's colleagues in the present Government.

The course of passive resistance does not, in my humble judgment, involve any breach of the law. The law provides two methods of collection—(1) voluntary, (2) by order of the magistrate. I have declined to make the voluntary payment of an education rate for sectarian purposes, and I have in no way, and at no time, resisted the execution of the order of the magistrate. I cannot see, therefore, by my inaction in the matter that I have broken the law, nor, if I have broken it, has any penalty for so doing ever been inflicted upon me.

Your Lordship has decided that I must be removed from the Bench for no other reason than that I have exercised a right, claimed by many of the Parliamentary supporters of the Government of which your Lordship is a member during the Great War in respect of the obligation to defend the country from its enemies, and in claiming which they were defended by the present Prime Minister, the Chancellor of the Exchequer, and other of your Lordship's colleagues in the Cabinet. Indeed, so great was the admiration for these gentlemen in circles with which your Lordship has been recently familiar, that a number of persons, who had been in prison for what they deemed to be conscientious reasons, were entertained to dinner within the precincts of Parliament, and with this function the present Prime Minister was sympathetically identified.

I would also respectfully point out that I am not alone in the position that has earned your Lordship's disapproval. There are, I understand, a number of other magistrates, including some associated with the party at present in office, who have been, and still are, passive resisters, and who have exercised, and who still continue to exercise, the office of Justice of the Peace.

While I am prepared to accept the decision your Lordship has thought it right to come to in my own case, it would seem right to inquire whether all persons in the same position are now to be similarly treated.

Legal News.

Business Announcement.

Mr. GEORGE COX informs us that Mr. George R. Jackson died on the 23rd ult. Mr. Cox has agreed to purchase the goodwill of the practice of Cole & Jackson, carried on by Mr. Jackson at 35, Essex-street, Strand, in accordance with Mr. Jackson's expressed wish. Mr. Cox was with Messrs. Cole & Jackson as Managing Clerk for thirty years down to 1920; subsequently to this he has been and is now in association with Messrs. Balderston, Warren & Co. of 32, Bedford-row, and he proposes to continue Mr. Jackson's practice at that address—32, Bedford-row.

VALUATIONS FOR INSURANCE.—It is very essential that all Policy Holders should have a detailed valuation of their effects. Property is generally very inadequately insured, and in case of loss insurers suffer accordingly. **DEBENHAM STORR & SONS LIMITED**, 59, King Street, Covent Garden, W.C.2, the well-known chartered valuers and auctioneers (established over 100 years), have a staff of expert Valuers, and will be glad to advise those desiring valuations for any purpose. Jewels, plate, furs, furniture, &c., &c., &c., a speciality. [ADVT.]

Winding-up Notices.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

EDITORS MUST SEND IN THEIR CLAIMS TO THE LIQUIDATOR AS NAMED ON OR BEFORE THE DATE MENTIONED.

London Gazette.—FRIDAY, August 8.

CHARLES GOLD CORPORATION LTD. Aug. 31. Charles Lloyd, 1, London Wall-bldgs., E.C. 2.
ENGEI SEKAI (F.M.S.) RUBBER CO. LTD. Oct. 10. Geoffrey Hodge, 21, Ironmonger-lane.
THE KETTERING BALL BEARING CO. LTD. Aug. 29. H. Hodge, Market-st. Chambers, Kettering.
TRENTON LLOYD & CO. LTD. Sept. 30. Norman Wood, 18, Corporation-st., Manchester.
CHARLES PATTEN LTD. Sept. 8. H. C. Merrett, 41, Finsbury Square, E.C.

General.

The Benchers of Gray's Inn have resolved that from 11th August to 30th August, the gardens of Gray's Inn shall be open to the children of the surrounding district on fine evenings from 6 to 8 p.m. The children will be admitted at the gate in Verulam Buildings.

Judge Parry has been dealing at Lambeth County Court with a large number of applications for possession of rooms or houses whose owners required them for their own occupation. On Monday he said the question as to which family would suffer the greater hardship was, in nearly every case, exceedingly difficult to decide, and he should adjourn every case for alternative accommodation to be provided before he made any order.

Lord Shaftesbury, at a meeting of Dorset County Council at Dorchester on the 6th inst., called attention to the statements by the War Minister in the House of Commons in regard to Lulworth. As the most representative body in the county, it was the council's duty, he said, to oppose any action which let it go out of their hands for ever. It was for the owner at Lulworth to take into serious consideration whether he would not negotiate with the War Office for a short lease to enable them (as they said they would) to look round for other ground, but for any Ministry of this country, or any Minister, to come down and say they would acquire a spot of this character compulsorily was preposterous, and, he thought, an unthinkable proposal. The council endorsed his lordship's remarks, and it was resolved to continue close attention to the matter.

W. WHITELEY, LTD.

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EXPERT VALUERS AND ESTATE AGENTS,

QUEEN'S ROAD, LONDON, W.2.

VALUATIONS FOR PROBATE,

ESTATE DUTY, SALE, INSURANCE, ETC.

AUCTION SALES EVERY THURSDAY,

View on Wednesday, in

London's Largest Saleroom.

PHONE NO.: PARK ONE (40 Lines). TELEGRAMS: "WHITELEY, LONDON."

Resolutions for Winding-up Voluntarily.

London Gazette.—FRIDAY, August 1.

Mercantile Engineering and Transport Co. Ltd.
Lai Alke Sheep Farming Co. Ltd.
Cobay Bros. Ltd.
The Waterloo Bowling Green Co. Ltd.
Blanchard Lamps (British) Ltd.
Waldman Ltd.
Mizpah Steam Fishing Co. Ltd.
Rehabilitated District Secretaries Benevolent Association Ltd.
The Blackpool Passenger Steamboat Co. Ltd.
Breakspeare & Walters Ltd.

London Gazette.—TUESDAY, August 12.

OPERA HOUSE (MACCLESFIELD) LTD. Aug. 30. Sydney G. Bown, 91, Derby-st., Macclesfield.

ABERY BOX CARRIERS LTD. Sept. 12. Cecil W. J. Mason, 41, Finsbury-sq., E.C.

THE ELKARRKOSKE STEEL COMPANY LTD. Sept. 8. Douglas W. Ackroyd, 70, Commercial-nd., Portsmouth.

GRINDON STEAMSHIP CO. LTD. Sept. 10. Thomas S. Parish, 38, Sandhill, Newcastle-upon-Tyne.

WALLWORK SMITH & CO. LTD. Aug. 30. Alfred Laban, 25-27, Oxford-st., W.1.

NORRIS & LIMMING LTD. Sept. 9. William W. Read, 44, Gresham-st., E.C.2.

EYLON PROPERTY CO. LTD. Sept. 8. W. Lacou Threlford, 119-120, London Wall, E.C.2.

THE LANDER SYNDICATE LTD. Oct. 31. A. Henry Knight, 165-167, Moorgate, E.C.2.

TWIN CREEK SYNDICATE LTD. Oct. 31. A. Henry Knight, 165-167, Moorgate, E.C.2.

THE SALISBURY HOTEL (LONDON) LTD. Sept. 1. Hubert A. Leicester, 18, Foregate-st., Worcester.

The Rochdale British Legion Club Ltd.
Jeffreys & Co. Ltd.
Manchester London & North Western Railway Servants' Refreshment Co. Ltd.
John. Crawford & Sons Ltd.
Grit (Portsmouth) Ltd.
Butterworth & Wrigley Ltd.
The South Eastern Syndicate Ltd.

London Gazette.—TUESDAY, August 5.
E. Day (St. Albans) Ltd.
The Janion Film Renting Co. Ltd.
Parkmore Steam Trawling Co. Ltd.
Economic Plate Glass Insurance Co. Ltd.
Falvey & Parker Ltd.
Contractors Machinery Co. Ltd.
W. Partington & Co. Ltd.

London Gazette.—FRIDAY, August 8.
Lancelot Raymond & Co. Ltd.
Albert Rhodes & Co. Ltd.
George Grey & Sons Ltd.
Robertsons & Co. Ltd.
E. Standing (Rochdale) Ltd.
Mercantile Printing Co. Ltd.
A. E. C. Gray & Co. Ltd.
Richard Mountain Ltd.
Axton, Cross & Co. Ltd.
H. Ronnebeck & Co. Ltd.
Walkey Thomas & Co. Ltd.
Sulisted's Patent Coal Elevator Ltd.
Anglo-Maccabean Co-operative Society Ltd.

London Gazette.—TUESDAY, August 12.
Federated Importers Ltd.
Grindon Steamship Co. Ltd.
Winton Rubber & Engineering Co. Ltd.
Ellarrose Steel Co. Ltd.
The Bournemouth Estates Co. Ltd.
Kenilworth Utility Motors Ltd.
Manchester Wagon Co. Ltd.
B. J. Atkinson (1922) Ltd.
Reliance Transports Ltd.
Modern Brick Co. Ltd.
Smith & Downton Ltd.

Smiths Hosiery Manufacturing Co. Ltd.
Falmouth Golf Course Co. Ltd.
West of England Bill Posting Co. Ltd.
The L.S.D. Motor Co. Ltd.
Fitt Bros. & Davies Ltd.
Victory Club West Bromwich Ltd.

London Gazette.—TUESDAY, August 5.
Linton & Lamb Ltd.
E. Mash Ltd.
Greenville Neal & Co. Ltd.
J.W.B. Accumulators Ltd.
The Port Lewes Estates Co. Ltd.
Framwellgate Coal & Coke Co. Ltd.
Poolscot Gold Prospecting Syndicate Ltd.
Abbey Box Carriers Ltd.

London Gazette.—FRIDAY, August 8.
Canada Land and Irrigation Co. Ltd.
Levitt Ltd.
Claude Harris Ltd.
H. Anthony & Co. Ltd.
Ward Smith Ltd.
The Easington Colliery Athletic Club Ltd.
H. Cook & Taylor's Footwear Ltd.
The London Independent Film Trading Co. Ltd.
Anglo-Scottish Film Agency Ltd.
The Shepley Tea Co. Ltd.
Charles Patten Ltd.
Atkinson Lloyd & Co. Ltd.

London Gazette.—TUESDAY, August 12.
Wrights Printing Co. Ltd.
The P. P. Syndicate Ltd.
The Kettering Ball Bearing Co. Ltd.
J. D. Pritchard & Co. Ltd.
W. & J. Cooper Ltd.
The Day Foundry and Engine Co. Ltd.
Women Publishers Ltd.
Allen Lucking & Co. Ltd.
Ainley & Co. Ltd.
Eyon Property Co. Ltd.
Widnes Foundry Co. Ltd.

Bankruptcy Notices.

RECEIVING ORDERS.

London Gazette.—FRIDAY, August 8.

ASPIN, THOMAS, Dudley, General Dealer. Dudley. Pet. Aug. 2. Ord. Aug. 2.
BAILEY, JOHN L., Manchester. Manchester. Pet. July 18. Ord. Aug. 6.
BARBER, JOHN T., Arnside, Farmer. Kendal. Pet. Aug. 6. Ord. Aug. 6.
BARCLAY, J., Southall, Boot Dealer. Windsor. Pet. June 23. Ord. Aug. 5.
BASDEN, MAURICE W., Caversham, Oxon. Reading. Pet. July 16. Ord. July 31.
BAXES, RICHARD, Shapton, Yorks, Licensed Victualler. Scarborough. Pet. Aug. 2. Ord. Aug. 2.
BELL, HARRY, Kingston-upon-Hull, Beer Off Licence Holder. Kingston-upon-Hull. Pet. Aug. 5. Ord. Aug. 5.
BOWES, FREDERICK S., Manchester, Electrical Engineer. Manchester. Pet. July 18. Ord. Aug. 6.
BROWN, JOHN, Stoke Newington, Wine and Spirit Merchant. High Court. Pet. Aug. 6. Ord. Aug. 6.
CHARWELL, LAWRENCE J., Herne-hill, S.E., Clerk. Herford. Pet. Aug. 5. Ord. Aug. 5.
CHILVERS, JOHN J., Sheffield, Market Gardener. Sheffield. Pet. Aug. 2. Ord. Aug. 2.
COLMAN, BARNARD A., Bournemouth. Poole. Pet. July 2. Ord. Aug. 1.
COULSON, THOMAS, Herford, Public Librarian. Herford. Pet. Aug. 6. Ord. Aug. 6.
CROSS, JOHN, Manchester, Taxi Cab Proprietor. Manchester. Pet. Aug. 2. Ord. Aug. 2.
DUCKWORTH, SAMUEL, Mobberley, Chester, Cycle Dealer. Manchester. Pet. July 21. Ord. Aug. 6.
EVANS, LLEWELYN E. T., Cardiff, Merchant. Cardiff. Pet. July 19. Ord. Aug. 1.
FOULSTON, ARTHUR, Birmingham, Pianofoote Manufacturer. Birmingham. Pet. Aug. 1. Ord. Aug. 1.
FOKE-EDWARDS, CHARLES E., Tunbridge Wells, Tailor. Tunbridge Wells. Pet. Aug. 5. Ord. Aug. 5.
GILMORE, GEORGE F., New Seaham, Durham, Grocer. Sunderland. Pet. Aug. 6. Ord. Aug. 6.
GITTINS, WILLIAM, Tredegar, Colliery Haulier. Tredegar. Pet. July 30. Ord. Aug. 5.
GOOLIDGE, LOF, Ditcheat, Somerset, Builder. Wells. Pet. July 23. Ord. Aug. 5.
HACKETT, THOMAS F., Manchester, Yarn Agent. Manchester. Pet. Aug. 6. Ord. Aug. 6.
HILL, A., Kingston-upon-Hull, Hairdresser. Kingston-upon-Hull. Pet. July 4. Ord. Aug. 5.
HOUGHTON, ALBERT, Stockport, Broker's Manager. Stockport. Pet. Aug. 5. Ord. Aug. 5.

HUGHES, THOMAS, the elder, HUGHES, ROBERT, and HUGHES, THOMAS, Salford, Motor Haulage Contractors. Salford. Pet. Aug. 1. Ord. Aug. 1.
HUNTER, ELIZABETH J., Framwellgate, Durham, General Dealer. Durham. Pet. Aug. 5. Ord. Aug. 5.
JOHNSON, JAMES B., Hawes, Yorks, Pig Dealer. Northallerton. Pet. Aug. 5. Ord. Aug. 5.
LEES, ARCHIBALD, Halifax, Engineer. Halifax. Pet. Aug. 5. Ord. Aug. 5.
LINWOOD, JOHN W., Kingston-upon-Hull, Char-a-lane Proprietor. Kingston-upon-Hull. Pet. Aug. 6. Ord. Aug. 6.
LUPT, HAIM H., Manchester, Cap Manufacturer. Manchester. Pet. Aug. 1. Ord. Aug. 1.
MELROSE, WALTER E., Keynsham, near Bristol, Electrical Engineer. Bristol. Pet. Aug. 6. Ord. Aug. 6.
MORGAN, JOHN J., Cardiff, Sanitary Inspector. Cardiff. Pet. Aug. 5. Ord. Aug. 5.
NICHOLSON, THOMAS C., Finsbury-sq., Commercial Traveller. High Court. Pet. June 16. Ord. Aug. 6.
OVERTON, EDWARD, Bacup, Company Director. Rochdale. Pet. July 21. Ord. Aug. 5.
OVERTON, GILBERT, Bacup, Company Director. Rochdale. Pet. July 21. Ord. Aug. 5.
PATE, BARRY, Hyde, Labourer. Ashton-under-Lyne. Pet. Aug. 5. Ord. Aug. 5.
PEDLEY, JOHN, York, Auctioneer. York. Pet. Aug. 1. Ord. Aug. 1.

PENNELL, ARTHUR J., North Creake, Norfolk, Coal Merchant. Norwich. Pet. Aug. 2. Ord. Aug. 2.
RADFORD, THOMAS W., Guildford, Decorator. Guildford. Pet. Aug. 6. Ord. Aug. 6.
REE, EVAN T., Llanelli, Licensed Victualler. Aberystwyth. Pet. Aug. 1. Ord. Aug. 1.
ROBINSON, FRANK, Maidstone. Maidstone. Pet. Aug. 5. Ord. Aug. 5.
ROBINSON, THOMAS, Leeds, Sheet Metal Worker. Leeds. Pet. Aug. 2. Ord. Aug. 2.
RODEN, FRED J., Castle Bromwich, Warwick, Works Manager. Birmingham. Pet. July 5. Ord. Aug. 6.
RYLAND, FREDERICK J., Bishopsgate. High Court. Pet. July 25. Ord. July 31.
SCOTT, KATHLEEN, Littleborough, Calico Printer. Rochdale. Pet. Aug. 6. Ord. Aug. 6.
SHEPPEY, ALLYN, Bedford. High Court. Pet. May 24. Ord. July 31.

SIMPSON, WILLIAM, Kirby Misperton, Yorks, Farmer. Scarborough. Pet. Aug. 5. Ord. Aug. 5.
STANFIELD, ARTHUR B., Goole, Draper. Wakefield. Pet. Aug. 5. Ord. Aug. 5.
SMITH, ARTHUR, Great Grimsby, Steam Trawler Master. Great Grimsby. Pet. Aug. 6. Ord. Aug. 6.
THORNEY, WILLIAM, and THORNEY, FRANK, Kearsley, Lancs, Builders. Bolton. Pet. Aug. 5. Ord. Aug. 5.
WATERHOUSE, CHARLES F., and WATERHOUSE, GEORGE, Swinton, near Rotherham, Motor and Cycle Engineers. Sheffield. Pet. Aug. 2. Ord. Aug. 2.
WATKIN, WALTER J., Manchester, Commercial Traveller. Manchester. Pet. Aug. 1. Ord. Aug. 1.
WELLS, WILLIAM A., Thame, Oxon, Timber Merchant. Aylesbury. Pet. July 9. Ord. Aug. 5.
WHITE, STEPHEN P., Bradford, Painter. Bradford. Pet. Aug. 5. Ord. Aug. 5.

London Gazette.—TUESDAY, August 12.
ASHWORTH, CHRISTOPHER W. A., Oundle, Electrical Engineer. Peterborough. Pet. Aug. 9. Ord. Aug. 9.
BARBER, SARAH, BARBER, JOHN, and BARBER, GEORGE, Middlesbrough, Window Blind Manufacturers. Middlesbrough. Pet. Aug. 7. Ord. Aug. 7.
BLACKWELL, OWEN F., York-st., St. James, Tailor. High Court. Pet. July 24. Ord. Aug. 7.
BLACKWELL, CHARLES E., Leicester, Baker. Leicester. Pet. Aug. 7. Ord. Aug. 7.
BRAMFORD, ALFRED, Rawmarsh, nr. Rotherham, Boilermaking Sheffield. Pet. Aug. 8. Ord. Aug. 8.
BRODSTRETT, GEORGE, Stockton-on-Tees, Boot Dealer. Stockton-on-Tees. Pet. Aug. 8. Ord. Aug. 8.
BULLOCK, BERTIE, Pealline, nr. Cowbridge, Innkeeper. Cardiff. Pet. Aug. 7. Ord. Aug. 7.
BUTLER, HERBERT, Normanby, Yorks, Fruiterer. Stockton-on-Tees. Pet. Aug. 6. Ord. Aug. 6.
COOKE, ARTHUR, West Bridgford, Farmer. Nottingham. Pet. Aug. 8. Ord. Aug. 8.
COLLARD, MAJ.-GEN. A. S., C.B., Strand. High Court. Pet. July 8. Ord. Aug. 8.
COPPING, GEORGE M., South Norwood, Film Printer. Croydon. Pet. Aug. 7. Ord. Aug. 7.
CURWEN, WILLIAM, Workington, Wholesale Confectioner. Cockermouth. Pet. Aug. 7. Ord. Aug. 7.
EMERY, ALBERT, Mansfield, Confectioner. Nottingham. Pet. Aug. 9. Ord. Aug. 9.
FORBES, ELLA, Gloucester-nd., S.W., Court Dressmaker. High Court. Pet. Aug. 7. Ord. Aug. 7.
FRANKLIN, ALBERT, Otley, Licensed Victualler. Leeds. Pet. Aug. 6. Ord. Aug. 6.
GARRETT, JOHN, Wibsey Saint Peter, Fruitgrower. King's Lynn. Pet. Aug. 7. Ord. Aug. 7.
GILL, HENRY E., Leadsham-st., Wine Merchant. High Court. Pet. Aug. 7. Ord. Aug. 7.
GRACE, RAYMOND E., St. John's Wood. High Court. Pet. April 14. Ord. Aug. 6.
GRIFFITHS, EDWARD, Rhyl, Butcher. Bangor. Pet. July 14. Ord. Aug. 5.
GRIMLEY, GEORGE and GRIMLEY, FREDERICK E., Kidderminster, House Furnishers. Kidderminster. Pet. Aug. 6. Ord. Aug. 6.
HELLAWELL, FREDERICK N., Middlesbrough, Wholesale Grocer. Middlesbrough. Pet. Aug. 7. Ord. Aug. 7.
IRELAND, EDGAR H., Ipswich. Ipswich. Pet. July 22. Ord. Aug. 6.
JAGO, CYRIL, Winton, Bournemouth, Grocer. Poole. Pet. June 21. Ord. Aug. 1.

JOHNSON, TOM, Bradford, Removal Contractor. Bradford. Pet. Aug. 8. Ord. Aug. 8.
JOHNSON, WILLIAM, Holyhead, Coal Merchant. Bangor. Pet. Aug. 5. Ord. Aug. 5.

LANCASHIRE AND YORKSHIRE TRANSPORT COMPANY, Ltd. Carriers. Leeds. Pet. July 22. Ord. Aug. 7.

LEWIS, RUPERT R., Kingston-upon-Hull, Draper. Kingston-upon-Hull. Pet. Aug. 7. Ord. Aug. 7.

LLEWELLYN, EVYNN H., Milford Haven, Coal Merchant. Haverfordwest. Pet. Aug. 6. Ord. Aug. 6.

NORTON, JOSEPH, Cleethorpes, Fish Merchant. Grimsby. Pet. Aug. 7. Ord. Aug. 7.

RADMALL, ALBERT E., Rugby, Plumber. Coventry. Pet. Aug. 8. Ord. Aug. 8.

SAVAGE, E. S., Surbiton, Surrey. High Court. Pet. July 2. Ord. Aug. 7.

SMITH, CHARLES P., Dover, Assistant Postmaster. Canterbury. Pet. May 28. Ord. Aug. 9.

STEEL, THOMAS, Forest Gate, Engineer. High Court. Pet. July 16. Ord. Aug. 7.

STOREY, LESLIE H., Langworth, Lincs, Motor Engineer. Lincoln. Pet. Aug. 9. Ord. Aug. 9.

TWIGG, WALTER, Fulwood, Sheffield, Farmer. Sheffield. Pet. Aug. 6. Ord. Aug. 6.

WAGSTAFF, FRANK B., Huddersfield, Cotton Yarn Merchant. Huddersfield. Pet. July 8. Ord. Aug. 7.

WHITMORE, HENRY the Younger, Walpole St. Peter, Norfolk. Fruitgrower. King's Lynn. Pet. Aug. 9. Ord. Aug. 9.

WOODHOUSE, ADAM, Lancaster, General Dealer. Preston. Pet. Aug. 2. Ord. Aug. 2.

ZABRAN, HORACE, Monument-st. High Court. Pet. July 11. Ord. Aug. 7.

Amended Notice substituted for that published in the *London Gazette*, of July 29, 1924:—

HOPMAN, CHARLES G., South Lambeth-nd., Electric Engineer. High Court. Pet. July 25. Ord. July 25.

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